

No. 23-175

In the Supreme Court of the United States

CITY OF GRANTS PASS, OREGON,
Petitioner,

v.

GLORIA JOHNSON, ET AL., ON BEHALF OF
THEMSELVES AND ALL OTHERS SIMILARLY
SITUATED,
Respondents.

On Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit

**BRIEF OF *AMICI CURIAE* SERVICES
PROVIDERS
IN SUPPORT OF RESPONDENTS**

Lila Miller
Counsel of Record
Valerie D. Comenencia Ortiz
Relman Colfax PLLC
1225 19th St., N.W, Suite 600
Washington, D.C. 20036
(202) 728-1888
lmiller@relmanlaw.com

Counsel for Amici Curiae

TABLE OF CONTENTS

TABLE OF AUTHORITIES..... iii

INTEREST OF *AMICI CURIAE*1

SUMMARY OF ARGUMENT2

ARGUMENT4

I. Grants Pass Imposes Grossly Disproportionate Penalties on People Experiencing Homelessness ...4

 A. Ordinances Criminalizing Sleeping Punish Unsheltered Individuals for Merely Existing.....7

 B. Grants Pass Imposes Life-Altering Penalties that Lock People into Homelessness .10

 i. Barriers to Housing and Employment11

 ii. Removal from Supportive Services and Community Ties14

 C. Criminalization of Involuntary Homelessness Serves No Penological Justification16

II. Cities Have Access to a Range of Effective Strategies to Reduce Homelessness Short of Criminalization21

 A. Evidence-Backed Best Practices Reduce and Mitigate Homelessness.....22

 i. The Housing First Model.....23

 ii. Wraparound Services.....26

 B. Cities Have Meaningful Options to Support Best Practices and Avoid Penalizing Homelessness.....30

 C. Policing and Criminalizing Homelessness Worsen Homelessness34

CONCLUSION35
APPENDIX App. 1

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Dahler v. Goodman</i> , 47 F. App'x 902 (10th Cir. 2002).....	20
<i>Graham v. Florida</i> , 560 U.S. 48 (2010).....	6, 7, 10, 16, 17
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**INTEREST OF *AMICI*
*CURIAE*¹**

Amici are a coalition of organizations dedicated to reducing homelessness and providing direct services to those who experience it.² Located throughout the country, *Amici* and their staff are the first responders in our nation's current homelessness crisis. For *Amici*, this case is not academic. Day in and day out, rain or shine, pandemic or not, *Amici* are on the street, serving the homeless populations in their respective cities. They distribute food and clothing; provide access to showers, laundry, and transportation; assist in the search for employment; help people obtain identification and register for government assistance programs; and connect people to healthcare providers. Critically, *Amici* also join their clients in their search for affordable housing, and thus are keenly aware that it is a vanishingly scarce resource.

Because of their work, *Amici* are uniquely situated to address why it is counterproductive to impose criminal penalties on homeless people for merely existing within city limits. *Amici* are also able to identify existing alternatives—proven best practices, even—that local governments should instead deploy in response to our current homelessness crisis. And *Amici* have a direct stake in

¹ Pursuant to Rule 37.6, *Amici* affirm that no counsel for any party authored this brief in whole or in part, and no person or entity other than *Amici*, their members, and their counsel has made a monetary contribution to support the brief's preparation or submission.

² A list identifying the names and locations of *Amici* is included in the attached Appendix.

the outcome of this litigation: If this Court endorses the ordinances at issue here, it will have a tangible impact on *Amici* as cities race to wield police powers to banish homeless people from their jurisdictions. These efforts to criminalize *Amici's* clients and communities will undermine *Amici's* current work and erect new barriers to achieving their common goal of helping unsheltered people secure homes and rebuild their lives. *Amici* thus have a strong interest in reaffirming the long-standing Eighth Amendment principles that preclude penalties like those at issue here.

SUMMARY OF ARGUMENT

If there is one thing on which all parties and *Amici* agree, it is that this country is currently experiencing a housing shortage that has resulted in an unprecedented rise in homelessness. Hundreds of thousands of people do not have access to stable housing or even temporary shelter. The Department of Housing and Urban Development (“HUD”) reported in its most recent national estimate that 650,000 people experienced homelessness in the United States on one given night in January 2023.³ A third of this group had no shelter whatsoever.⁴ This figure represents a 12% increase from the 2022 count,⁵ and is very likely an undercount of the country’s actual

³ See U.S. Dep’t of Hous. & Urban Dev., *The 2023 Annual Homelessness Assessment Report (AHAR) to Congress* 12 (Dec. 2023), <https://perma.cc/HVN8-VPTX>.

⁴ *Ibid.*

⁵ *Ibid.*

homeless population.⁶

Given the consensus that we are facing a crisis, now is the time to unite behind the most effective methods for reducing homelessness. Criminalization of involuntary homelessness simply has no place in that effort.

The ordinances espoused by Grants Pass are constitutionally indefensible. As a preliminary matter, the undisputed record evidence lays bare that Petitioner enacted these laws with the stated intent to send unsheltered people “down the road.” *Johnson v. City of Grants Pass*, 72 F.4th 868, 876 (9th Cir. 2023). The ordinances were designed to push out a group—unsheltered people—and impermissibly exact punishments based on a status. This defect alone renders the ordinances unconstitutional but Grants Pass’s laws are doubly violative of the Eighth Amendment because they impose a punishment plainly disproportionate to the underlying conduct. The laws both target nonculpable conduct with impermissibly severe punishments and lack any valid penological justification. Moreover, *Amici’s* work and the available evidence all show that the laws at issue exacerbate and perpetuate homelessness, rather than resolve it. Petitioner’s post-hoc attempt to legitimize its ordinances under the Eighth Amendment rubric fail—it is absurd to argue that there is any appropriate punishment for conduct that is both

⁶ See generally Darell Stanley et al., *Don’t Count on It: How the HUD Point-in-Time Count Underestimates the Homelessness Crisis in America*, National Law Center on Homelessness & Poverty (2017), <https://homelesslaw.org/wp-content/uploads/2018/10/HUD-PIT-report2017.pdf?stream=top>.

involuntary and biologically necessary.

Petitioner's refusal to abandon the failed experiment of penalizing involuntary unsheltered homelessness is all the more galling because there exist clear alternatives. *Amici* are leaders when it comes to research-backed interventions to reduce homelessness, including the Housing First model and the provision of wraparound services. Other local governments have shown that cities have low-cost, high-impact options to support the involuntarily homeless population in tandem with *Amici*. If Petitioner is serious about resolving homelessness to the benefit of all community members, it must lay down its citation pads and focus on the proven best practices.

ARGUMENT

I. Grants Pass Imposes Grossly Disproportionate Penalties on People Experiencing Homelessness

Inherent in our country's tradition of justice is the notion that punishment requires an underlying wrong. Accordingly, this Court has long recognized that the Eighth Amendment's Cruel and Unusual Punishments Clause "circumscribes the criminal process" by both (1) imposing "substantive limits on what can be made criminal and punished as such" and (2) prohibiting "punishment grossly disproportionate to the severity of the crime[.]" *Ingraham v. Wright*, 430 U.S. 651, 667 (1977).

Before turning to this Court's proportionality jurisprudence, *Amici* offer two threshold points. First, Petitioner cannot evade Eighth Amendment exposure

by attempting to rebrand the criminal sanctions at issue as either civil citations or regulations. The Ninth Circuit aptly noted that “[a] local government cannot avoid [the Cruel and Unusual Punishments Clause] by issuing civil citations that, later, become criminal offenses.” *Johnson*, 72 F.4th at 890. Nor do the constitutional implications disappear because Petitioner and its *amici* use staid terminology like “regulate,” “limit,” and “restrict” instead of “criminalize.” Whatever the wording, Petitioner’s ordinances carry the weight of criminal legal sanctions.⁷

Second, for the reasons explained by Respondents, the criminal sanctions at issue here punish involuntarily homeless people for simply existing, in contravention of this Court’s longstanding recognition that it is cruel and unusual to punish an involuntary status. See *Robinson v. California*, 370 U.S. 660 (1962). “Even one day in prison would be a cruel and unusual punishment for the ‘crime’” of experiencing unsheltered homelessness, much like it would be for “the ‘crime’ of having a common cold.” *Id.* at 667. On that basis alone, the Court should reject Petitioner’s ordinances.

The prohibition of grossly disproportionate punishment provides a second and separate basis for invalidating Grants Pass’s ordinances under the

⁷ Although the Excessive Fines Clause of the Eighth Amendment presents an additional basis to invalidate the ordinances, the question before this Court is limited to the Cruel and Unusual Clause. See *Johnson*, 72 F.4th at 895 (finding “no need to resolve” whether fines were excessive); Pet. Br. at i (describing question presented as whether challenged ordinances “constitute[] ‘cruel and unusual punishment’ prohibited by the Eighth Amendment”).

Cruel and Unusual Punishments Clause. *Ingraham*, 420 U.S. at 667. At the core of the Clause is “the ‘precept of justice that punishment for crime should be graduated and proportioned to [the] offense.’” *Graham v. Florida*, 560 U.S. 48, 59 (2010) (quoting *Weems v. United States*, 217 U.S. 349, 367 (1910) (alteration in original)); see also *Solem v. Helm*, 463 U.S. 277, 290 (1993).

In assessing the proportionality of a penalization scheme, the Court considers (1) “the culpability of the offenders at issue,” (2) “the severity of the punishment,” and (3) “whether the challenged sentencing practice serves legitimate penological goals.” *Graham*, 560 U.S. at 67.⁸ All three considerations weigh heavily against permitting the criminal penalties at issue.

As *Amici* have seen firsthand, issuing citations, fining, and arresting unsheltered individuals for sleeping outside is disproportionate by any measure. First, the challenged ordinances target unsheltered people for involuntary and biologically necessary conduct, absent any culpability. Second, these ordinances impose penalties ranging from hefty fines to imprisonment, with devastating consequences that

⁸ The Court has also considered “objective indicia of national consensus” as expressed in “legislation enacted by the country’s legislatures.” *Graham*, 560 U.S. at 62 (quoting *Atkins v. Virginia*, 536 U.S. 304, 312 (2002)). However, community consensus “is not itself determinative of whether a punishment is cruel and unusual[,]” and this Court retains the “task of interpreting the Eighth Amendment” by exercising its “independent judgment.” *Id.* at 67 (quoting *Roper v. Simmons*, 543 U.S. 551, 575 (2005)). Here, an independent assessment overwhelmingly confirms the constitutional defects in the ordinances at issue.

lock people into poverty and homelessness. Third, these laws *disserve* legitimate penological goals, including rehabilitation, deterrence, and incapacitation.

A. Ordinances Criminalizing Sleeping Punish Unsheltered Individuals for Merely Existing

An analysis of the “culpability of the offenders at issue in light of their crimes and characteristics” showcases the infirmities in the challenged ordinances. *Graham*, 560 U.S. at 67. This Court has considered “the status of the offenders” and “the nature of the offenses” when assessing culpability. *Id.* at 68–69. Because the “offenders” are people experiencing involuntary unsheltered homelessness and their “offense” is simply sleeping outside absent other options, this factor counsels against the ordinances.

Through a series of ordinances that criminalize sleeping, Grants Pass punishes wholly blameless conduct. The ordinances prohibit sleeping in any public space with even the most basic materials for protection from the elements, such as a blanket, bundled up clothes used as a pillow, or even a cardboard box. Grants Pass Mun. Code § 1.36.010(I) – (J). Repeated citations may result in arrest and prosecution for criminal trespass. *Id.* § 6.46.350; Or. Rev. Stat. § 164.245. But these ordinances target involuntarily homeless people who have nowhere else to sleep but outside. And of course, sleep is a biological imperative. These laws thus turn unsheltered people into offenders for merely existing.

As the record shows, pursuant to the Grants Pass ordinances, unhoused individuals were

repeatedly cited, arrested, and/or convicted for simply “sleeping in [their] van,” J.A. 89–99; “sleeping [in a park] during closed hours,” *id.* at 103; staying warm in a sleeping bag in a park during open hours, *id.* at 181; and “lying down under a tarp to stay warm,” *id.* at 134; among other conduct. Yet, these people had nowhere else to go because “[t]here is no place in Grants Pass where people can simply show up and receive shelter during the day or night.” *Id.* at 107 ¶ 12. Because no person can completely forego sleep, Respondents had no way to avoid violating the ordinances.

Even beyond Grants Pass, for a vast and growing share of the people *Amici* and their peers serve, sleeping outside is not a choice; it’s an inescapable necessity. The idea that people choose to live or sleep in public spaces is a myth. Nationally, as of 2022, there was a shortage of 188,000 shelter beds for individual adults,⁹ without accounting for barriers to existing shelter beds. Multiple surveys and studies have shown that the vast majority of those who are unsheltered would move inside if safe and affordable options were available.¹⁰ In many cases, as in Grants Pass, shelter simply does not exist.

⁹ National Alliance to End Homelessness, *State of Homelessness: 2023*, <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness/> (last visited Apr. 2, 2024).

¹⁰ See, e.g., Ruth Gourevitch & Mary K. Cunningham, *Dismantling the Harmful, False Narrative that Homelessness Is a Choice*, Urban Institute (Mar. 27, 2019), <https://www.urban.org/urban-wire/dismantling-harmful-false-narrative-homelessness-choice>; City of Seattle, *City of Seattle 2016 Homeless Needs Assessment* 21, <https://s3.documentcloud.org/documents/3480319/City-of-Seattle-Homeless-Needs-Assessment-March.pdf>.

While securing emergency shelter is hard enough, finding stable housing is a gargantuan endeavor. As *Amici* are well aware, there is a national shortage of affordable housing, with few options for people with low and extremely low incomes.¹¹ And even with *Amici's* support, the outflow from the streets or emergency shelters into stable housing may take years. For instance, in Nashville, Tennessee, out of 3,821 people experiencing homelessness identified in February 2024, only 173 people (or 4.5%) were permanently housed that month, 22 of whom came from emergency shelters.¹² People who were living outdoors had experienced homelessness for an average of 3 years and 7 months, while those living in emergency shelters had been homeless for an average of 2 years and 10 months.¹³ And in Maricopa County, Arizona, for every 10 people who found housing in 2023, 19 new people became homeless.¹⁴ Thus, although there are many paths to homelessness, the sure path out—stable housing—is steep and rocky.

By design, Petitioner's ordinances punish involuntarily homeless people for surviving in public areas. Because their crime is existing within City limits, for the "offenders" at issue, the level of culpability is at its nadir.

¹¹ National Low Income Housing Coalition, *The GAP: A Shortage of Affordable Homes* (Mar. 2024), <https://nlihc.org/gap>.

¹² Office of Homeless Services, *Nashville Homelessness Data, February 2024*, https://www.nashville.gov/sites/default/files/2024-03/HMIS_Data_Report_2024_02.pdf?ct=1710434872.

¹³ *Id.* at 1.

¹⁴ Maricopa Association of Governments, *Homelessness Trends Report* (2023), <https://azmag.gov/Programs/Homelessness/Data/Homelessness-Trends>.

B. Grants Pass Imposes Life-Altering Penalties that Lock People into Homelessness

The Court next considers “the severity of the punishment in question.” *Graham*, 560 U.S. at 67. This analysis is not undertaken in the abstract—the Court considers how the penalties compare with the level of culpability. *Ibid.* See also *Robinson*, 370 U.S. at 667 (noting that question of whether specific term of imprisonment is either cruel or unusual “cannot be considered in the abstract”); *Solem*, 463 U.S. at 290 (“[N]o penalty is *per se* constitutional. . . . [A] single day in prison may be unconstitutional in some circumstances.”). As described below, the penalties imposed by Grants Pass are uniquely severe when imposed on the precise population they target: unsheltered homeless people.

Here, the challenged ordinances punish unsheltered individuals through several steps. First, the City issues citations for sleeping on public property, with base fines of \$295. When unpaid, those fines increase to \$537.60. They may be reduced to \$180 if the charged individuals plead guilty to the violations. Grants Pass Mun. Code § 1.36.010(I)–(J). After two violations, individuals can be arrested and criminally prosecuted for criminal trespass, which carries up to a 30-day jail term and a \$1,250 fine. *Id.* § 6.46.350; Or. Rev. Stat. § 164.245.

As *Amici* see every day, citations, convictions, and even one day in jail can and often do have life-altering consequences for unsheltered people. These convictions perpetuate the homelessness crisis by erecting new and heightened barriers to employment and housing and by removing people from supportive and community ties.

i. Barriers to Housing and Employment

Citations, arrests, charges, and convictions create substantial barriers that hinder unsheltered individuals' ability to find or keep housing and gainful employment.

First, spending just one night in jail can cause a cascade of destabilization for unsheltered people. *Amici's* clients have lost jobs and employment opportunities after failing to appear for scheduled shifts or interviews. Many housing providers and employers automatically reject applicants with convictions (particularly recent convictions), and even pending charges or arrests.¹⁵ Moreover, individuals routinely lose access to public housing and government benefits as a result of being convicted and jailed.¹⁶

A March 2024 survey by *Amicus* Community Solutions evaluated the experience of more than 170 community service providers, continuums of care, and other organizations directly serving the unhoused

¹⁵ See, *e.g.*, Saneta deVuono-powell et al., *Who Pays? The True Cost of Incarceration on Families* 20-21, 27, Ella Baker Center, Forward Together, Research & Action Design (Sept. 2015), <https://ellabakercenter.org/who-pays-the-true-cost-of-incarceration-on-families/>.

¹⁶ These include suspension or termination of social security benefits, see 42 U.S.C. § 402(x)(1)(A); and exclusion from public housing due to even minor convictions or unpaid fines, see, *e.g.*, Fairfield Metropolitan Housing Authority, *Eligibility: HCV Administrative Plan* 3-1 to 3-26 (June 1, 2012), <https://www.fairfieldmha.org/hcv-administrative-plan/chapter-3-eligibility/download> (imposing a 2-year ban on public housing for criminal trespass convictions).

population in their communities.¹⁷ Approximately half of surveyed providers reported working in communities that have used criminal penalties to address homelessness. These include ticketing and arrest or detainment for sleeping outside. As a result of those punitive actions, 84.2% of service providers reported that criminal punishments resulted in clients getting criminal records that made it harder to get jobs and housing, while 77.2% reported that people experiencing homelessness lost important documents and paperwork (such as birth certificates and IDs) essential for obtaining housing and employment.

Due to measures like the challenged ordinances, *Amici* face heightened costs and barriers in their efforts to assist their clients to find housing and employment long after the imposition of these penalties. These punitive measures have forced *Amici* to divert staff time and limited resources to advocate for and assist unsheltered clients who would have otherwise been placed, as well as to invest substantially more funds towards application fees, transportation costs, and other needs.

Second, the imposition of fines that individuals experiencing homelessness are clearly unable to pay serves as a springboard into compounding criminal legal consequences. Most unsheltered individuals targeted by the challenged laws cannot pay even “small” fines, which often exceed their income. Although a sizeable percentage of unsheltered individuals are employed (despite common

¹⁷ Community Solutions, *Report for Survey*, https://reporting.alchemer.com/r/730906_660c40243c5502.39984905.

misconceptions to the contrary),¹⁸ their income is generally not enough to cover housing costs and basic necessities, let alone fines. As of 2015, the mean annual earnings of unsheltered individuals was \$6,934 pre-tax, or about \$577 per month.¹⁹

The ordinances at issue here impose fines of \$295 per violation. When unpaid, those fines increase to \$537.60. Criminal trespass convictions involve a \$1,250 fine. Other jurisdictions impose similarly significant fines that can quickly mature into criminal penalties. In San Francisco, for example, the average fine for citations for standing, sitting, and sleeping or camping is \$150.²⁰ If unpaid within thirty days, that fine may be increased to \$450. If individuals fail to pay or appear in court, the court may issue a bench warrant.²¹ These penalties exceed many unsheltered individuals' entire income, and because they still have nowhere to go after police encounters, repeat citations and fines can stack up. For instance, Class representative Debra Blake racked up \$1,011.20 in a single encounter that resulted in two citations and owed more than \$5,000 overall to Grants Pass for sleeping violations. J.A. 182. Illustrating the

¹⁸ Bruce D. Meyer et al., *Learning about Homelessness Using Linked Survey and Administrative Data*, National Bureau of Economic Research, Working Paper No. 28861, at 37 (May 2021), https://www.nber.org/system/files/working_papers/w28861/w28861.pdf.

¹⁹ *Id.* at 67.

²⁰ Chris Herring & Dilara Yarbrough, *Punishing the Poorest: How the Criminalization of Homelessness Perpetuates Poverty in San Francisco* 37 (June 18, 2015), <https://ssrn.com/abstract=2620426>.

²¹ Marina Fisher et al., *California's New Vagrancy Laws: The Growing Enactment and Enforcement of Anti-homeless Laws in the Golden State* (Feb. 2015), <https://ssrn.com/abstract=2558944>.

impossible quandary unsheltered individuals face, a 75-year-old unhoused person from San Francisco noted, “If I took the money to pay citations, the food money would be nonexistent, the one or two days a month I’m able to sleep in [a] hotel, it would be gone.”²²

ii. Removal from Supportive Services and Community Ties

Punitive responses to homelessness, like the challenged ordinances, displace unsheltered individuals by subjecting them to arrest, forcing them to “move along,” and/or compelling them to hide to avoid police harassment or arrest. In that process, these ordinances can inflict damage on or sever people’s access to supportive services and essential resources like food and shelter.

In *Amicus* Community Solutions’ survey, 66.7% of service provider respondents reported losing track of people with whom they were working, while 75.4% reported losing the trust of people they were trying to get into treatment or services.

A 2015 survey of 351 individuals experiencing homelessness in San Francisco is also illustrative.²³ The survey found no evidence that interactions with police officers encouraged unhoused individuals to access services, but rather, such interactions were counterproductive.²⁴ Most of the individuals who

²² Herring & Yarbrough, at 42. While fines may be cleared after incarceration, that is not a viable alternative because it brings its own significant disruptions, such as losing belongings or pets.

²³ See generally *id.*

²⁴ *Id.* at 65.

received citations were already receiving services (such as free meals or emergency shelter) to “help sustain life from day to day.”²⁵ But when the respondents were forcibly removed through enforcement of punitive measures, they were often separated from the very services necessary to maintain their health and well-being. For instance, almost 70% of survey respondents living with mental disabilities were removed from the neighborhoods that accounted for 90% of the city’s homeless services (*e.g.* housing and services for people with mental illness).²⁶

In addition, because most people experiencing homelessness remain in the community where they lived prior to losing housing,²⁷ when they are displaced by law enforcement, they may lose important community ties. All of these factors result in the increased vulnerability of unhoused people, who are pushed further into the margins of society and away from the relationships and resources that can resolve their homelessness.

That was the case for Alabama, who experienced homelessness for nearly twenty years. Alabama slept outside because the only available shelter was located on the other side of town and the shopping cart he used as a walker was not allowed inside. Alabama had been arrested 198 times and had over 250 charges, all for petty offenses. When a homeless outreach worker with *Amicus* Open Table Nashville tried to help Alabama secure housing, she had a difficult time finding him for

²⁵ *Id.* at 38.

²⁶ *Id.* at 60.

²⁷ See, *e.g.*, Stephen Metraux, *Migration by Veterans Who Receive VA Homeless Services*, U.S. Dep’t of Veterans Affairs (Oct. 2015), <https://pubmed.ncbi.nlm.nih.gov/27753554/>.

appointments due to his frequent arrests. Undeterred, the outreach worker made him a t-shirt that read “Please do not arrest me, my outreach worker is working on my housing.” The outreach worker was eventually able to help Alabama stay out of jail long enough to secure housing. Once he had stable housing, Alabama had no further encounters with the police, no citations, and no arrests.

Considering their severe impact on people experiencing unsheltered homelessness and the sheer absence of culpability to justify them, these penalties are plainly excessive by any measure.

C. Criminalization of Involuntary Homelessness Serves No Penological Justification

Not only do the challenged ordinances exact substantial harm for involuntary conduct, but they do so without advancing any legitimate penological goals. As a result, they are constitutionally indefensible.

“A sentence lacking any legitimate penological justification is by its nature disproportionate to the offense.” *Graham*, 560 U.S. at 71.²⁸ The Supreme Court has recognized a variety of penological justifications, including retribution, deterrence, incapacitation, and rehabilitation. *Ibid.* None of these goals provide an adequate justification for the criminalization of homelessness, and in fact, all counsel against it.

²⁸ However, “[e]ven if the punishment has some connection to a valid penological goal, it must be shown that the punishment is not grossly disproportionate in light of the justification offered.” *Graham*, 560 U.S. at 72.

Retribution. While this Court has recognized retribution as a legitimate reason to punish, “the heart of the retribution rationale is that a criminal sentence must be directly related to the personal culpability of the criminal offender.” *Graham*, 560 U.S. at 71. The criminal punishments at issue here are applied to people for engaging in basic biological functions, and in the absence of any culpability or wrongdoing. As described in Section I.A. *supra*, they target unhoused individuals who have nowhere to be but in public spaces and who, like every person, cannot avoid sleeping. Consistent with Justice Douglas’s admonition in *Robinson*, “punish[ing] a person by fine or imprisonment” for being homeless is “out of all proportion” with any offense. 370 U.S. at 676 (Douglas, J., concurring). “Even one day in prison would be a cruel and unusual punishment” for the “crime” of being homeless, which status is “contracted innocently or involuntarily.” *Id.* at 667.

Deterrence and Incapacitation. Nor do the challenged laws deter or incapacitate unhoused individuals from sleeping in public spaces. For people who have nowhere else to go, criminal penalties do little to get them off the streets. Instead, criminalizing their existence thrusts them into the criminal legal system and makes it more likely (if not inevitable) that they will continue to accrue citations, fines, and even arrests. A February 2024 study of the effect of ordinances criminalizing homelessness concluded that “[t]he presence of criminalization ordinances cannot be said to incentivize individuals to voluntarily end their homelessness or else move to another locality, as is evident in the lack of a predictable post-treatment decrease in the number of people

experiencing homelessness.”²⁹

The survey of people experiencing homelessness in San Francisco found that when displaced by law enforcement, most people “do not move out of public space, because more often than not, there is nowhere else to go.”³⁰ Rather, when survey respondents were ordered to move from a public space, the vast majority “moved down the street, around the corner, [] walked around and returned after police had left[,]” or “moved to public space in a different neighborhood.”³¹

The record in this case illustrates how in the absence of shelter and housing options, despite police harassment, citations, fines, and even arrests, unhoused individuals often have no option but to continue to survive in public spaces. Over the course of three days, the Grants Pass Department of Public Safety woke up and cited Jerry Lee at least six times for sleeping in a van. J.A. 89–99. Incident Reports show that officers repeatedly found Mr. Lee “sleeping in the van[,]” woke him up, cited him for “camping in the city limits,” and ordered him to vacate the van. *Id.* Officers also noted they would “check again on this van several more times” each night. *Id.* at 89. While Mr. Lee complied and left the van when ordered, with no other options for shelter, Mr. Lee would return to sleep and face continued harassment, citations, and towing of the van. *Id.* at 99 (narrative indicating that

²⁹ Hannah Lebovits & Andrew Sullivan, *Do Criminalization Policies Impact Local Homelessness? Exploring the Limits and Concerns of Socially Constructed Deviancy* 19 (Feb. 4, 2024), <https://ssrn.com/abstract=4716230>.

³⁰ Herring & Yarbrough, at 23.

³¹ *Ibid.*

Mr. Lee “continues to disregard the city ordinance and returns to sleep as soon as police leave the area. Dayshift needs to check on the van this morning and CSO to follow up for tow.”).

Rather than deterring recidivism or incapacitating people like Mr. Lee from committing new “offenses” (*i.e.*, continuing to sleep in public spaces or vehicles), the challenged ordinances ensure that these charges continue to accrue, with devastating consequences that make recidivism more likely. See Section I.B. *supra*.

Rehabilitation. The proponents of criminalization are also unable to point to rehabilitation as a legitimate penological interest. That is because criminalization has the opposite effect for unhoused individuals—it removes people from health and supportive services, and makes it exponentially more challenging to secure housing, employment, and other necessities; overall, it keeps them homeless for longer. See Section I.B. *supra*.

Cost Conservation. Nor are costs or budgetary constraints legitimate government interests justifying criminalization of homelessness. Petitioner’s budgetary concerns have animated this litigation, see, *e.g.*, Cert. Pet. at 34–35, but this Court has not recognized cost conservation as a valid reason to punish.³² And even if cost conservation were an

³² Some circuit courts have considered cost conservation as a valid penological concern in other contexts concerning the constitutionality of prison regulations, such as food options for prisoners and the availability of legal materials and witnesses. See, *e.g.*, *Peele v. Klemm*, 663 F. App’x 127, 130 (3d Cir. 2016); *Ramerv. Kirby*, 936 F.2d 1102, 1104 (10th Cir. 1991). Even in that context, courts recognize that “the cost of protecting a

appropriate consideration, criminalization of homelessness is actually bad for the bottom line.

Data show that criminalizing homelessness is an expensive policy failure. Punitive responses to homelessness are not just wholly ineffective in addressing homelessness—they also involve staggering costs. For example, a comprehensive study of the effect of anti-camping ordinances in Boulder, Colorado revealed that between 2016–2017, Boulder spent at least \$1.8 million annually enforcing these ordinances targeting the homeless.³³ That is consistent with general trends, showing that police interactions and incarceration of unhoused individuals are as costly as they are ineffective. A study by the Central Florida Commission on Homelessness found that the costs of arresting, booking, incarcerating, and providing mental health care for 37 unhoused individuals in Osceola County (who were arrested a total of 1,250 times over ten years) was an astounding \$6.4 million.³⁴ In New York City, while the daily cost per person of supportive housing is \$68 and that of shelter is \$136, the daily cost of incarceration at Rikers Island is \$1,414 per

constitutional right cannot justify its total denial.” *Dahler v. Goodman*, 47 F. App’x 902, 906 (10th Cir. 2002) (quoting *Bounds v. Smith*, 430 U.S. 817, 825 (1977)).

³³ Nantiya Ruan et al., *Too High a Price 2: Move on to Where?*, U. Denver Sturm College of Law, Working Paper No. 18–14 (May 7, 2018), <https://ssrn.com/abstract=3174780>.

³⁴ Gregory A. Shinn, *The Cost of Long-Term Homelessness in Central Florida: The Current Crisis and the Economic Impact of Providing Sustainable Housing Solutions*, Central Florida Commission on Homelessness 22–26 (2014), <https://www.cfch.org/wp-content/uploads/2018/04/Eco-Impact-Report-LOW-RES-2.pdf>.

person.³⁵ These costs are disproportionately borne by local governments and taxpayers.

Maintaining these ineffective punitive measures thus diverts resources away from more cost-effective, humane, and evidence-based solutions to homelessness, such as the initiatives described in Section II *infra*.

Because the challenged ordinances turn life sustaining activities into offenses and involuntarily unsheltered individuals into habitual offenders; impose life-altering penalties that are counterproductive; and actually *undermine* any penological interests, they are plainly cruel and unusual.

II. Cities Have Access to a Range of Effective Strategies to Reduce Homelessness Short of Criminalization

Petitioner's ordinances are not only infirm as a matter of law—they also founder as a matter of public policy. Good governance calls for policies that work. When it comes to helping people transition from homeless to housed, there is no mystery as to what strategies are effective; *Amici* and their peers know what will set someone on a path toward stability and what will cause further harm. The Housing First model is a research-backed approach to reducing homelessness. Evidence also confirms the necessity of providing wraparound social services, like employment counseling and healthcare, to address

³⁵ N.Y.C. Comptroller, *Housing First: A Proven Approach to Dramatically Reduce Street Homelessness* (June 28, 2023), https://comptroller.nyc.gov/reports/housing-first/#_ftn4.

the root causes of homelessness.

Certain municipalities have rightly recognized the import of turning the page from penalization to support. These locales have measurably reduced homelessness in their jurisdictions by making small changes that promote public health. Other cities have intentionally redirected homelessness responses away from police and toward trained service providers. These forward-thinking cities should serve as a blueprint for Petitioner because punishing involuntary homelessness neither reduces the number of people without shelter, nor remedies any of the underlying causes.

In the face of a crisis of this scale, there is simply no legitimate reason to waste resources on tactics that are ineffective or counterproductive, like those defended by Grants Pass.

A. Evidence-Backed Best Practices Reduce and Mitigate Homelessness

Over the past few decades, direct services providers, researchers, and government agencies have coalesced around proven strategies for reducing and ameliorating homelessness. These include the “Housing First” model and the provision of wraparound support services. As *Amicus* Pathways to Housing DC says, “[O]ur model is simple: provide housing first, and then combine that permanent housing with a client-centered approach that includes supportive treatment services in the areas of mental and physical health, substance abuse, education, and

employment.”³⁶

i. The Housing First Model

The Housing First model prioritizes finding immediate housing to people experiencing homelessness, full stop. Housing is provided without preconditions.³⁷ The goal is to quickly end an individual’s homelessness so that they have a strong foundation on which to rebuild their lives. The Housing First model includes both permanent supportive housing (long-term affordable housing with optional on-site services) and rapid rehousing (immediate access to short-term housing, often with financial assistance for move-in costs, and access to social services). For example, *Amicus* Catholic Charities USA has 168 member agencies that provide access to 31,000 emergency beds and 6,053 permanent housing units to all people in need, regardless of their

³⁶ Pathways to Housing DC, *What We Do Housing: Housing First Teams*, <https://pathwaystohousingdc.org/what-we-do/housing-first/#:~:text=As%20an%20alternative%20to%20a,abuse%2C%20education%2C%20and%20employment> (last visited Mar. 27, 2024).

³⁷ Other approaches, such as the “Treatment First” model, may require participants to meet prerequisites to receive housing or mandate conduct (*e.g.*, mental health treatment) to retain housing. See, *e.g.*, Joseph R. Downes & Sage Computing staff, *Evidence Matters: Transforming Knowledge into Housing and Community Development Policy: Spring/Summer 2023*, U.S. Dep’t. of Hous. & Urban Dev. Office of Policy Dev. and Research (2023), <https://www.huduser.gov/portal/sites/default/files/pdf/E-M-Newsletter-Spring-Summer-2023.pdf>.

faith tradition and without requiring work or imposing other obligations on recipients.³⁸

Evidence confirms that the Housing First approach works. When the George W. Bush Administration embraced Housing First in federal recommendations, there was a 30 percent reduction in homelessness rates in the United States.³⁹ And since 2010, investment in Housing First options for veterans has cut the number of homeless veterans nearly in half.⁴⁰ Researchers from the Centers for Disease Control and Prevention and HUD's Office of Policy Development and Research undertook a systematic review of 26 studies comparing Housing First with responses that did not provide housing or had preconditions for accessing housing and found that Housing First programs decreased homelessness rates by 88 percent and improved housing stability by 41 percent.⁴¹ Rapid rehousing is especially important

³⁸ See, *e.g.*, Catholic Charities of the Archdiocese of Washington, *Housing and Shelter*, <https://www.catholiccharitiesdc.org/get-help/housing-and-shelter/> (last visited Apr. 1, 2024).

³⁹ Kim Johnson, *Additional Housing Programs: Housing First, 2021 Advocates' Guide*, National Low Income Housing Coalition, https://nlihc.org/sites/default/files/AG-2021/07-11_Housing-First.pdf.

⁴⁰ U.S. Dep't of Veterans Affairs, *Veteran Homelessness Fact Sheet*, https://www.va.gov/HOMELESS/Veteran_Homelessness_Fact_Sheet.asp (last updated Nov. 23, 2021).

⁴¹ Yanan Peng et al., *Permanent Supportive Housing With Housing First to Reduce Homelessness and Promote Health Among Homeless Populations With Disability: A Community Guide Systematic Review*, *Journal of Public Health Management Practice* 26:5, 404–11 (Sept. 2020), <https://pubmed.ncbi.nlm.nih.gov/32732712/>.

for families with children: HUD’s Family Options Study shows that rapid rehousing is the approach “most capable of helping the greatest number of families exit homelessness in the shortest time possible. It is also the least expensive.”⁴²

Amici’s clients are living proof that a Housing First model can disrupt poverty cycles. For example, *Amicus* Open Table Nashville worked with Jerry, a Nashvillian who rotated in and out of jails, hospitals, and homelessness. An emergency room nurse described Jerry as a “frequent flyer.” But Open Table Nashville found a private landlord willing to rent an apartment to Jerry, where the stability enabled him to get his health under control. Jerry went a full year without going to the hospital. In that time, Jerry stayed in touch with his case managers, kept his house spotless, baked pineapple upside down cakes for the Open Table Nashville team, and started giving monthly to St. Jude’s. He also reconnected with his family and his estranged daughter. Jerry maintained this stability for four years, until he passed away.

City and state governments should adopt the Housing First model for another reason too: it saves money. Participants in Housing First programs spend fewer days in hospitals, emergency rooms, residential substance abuse programs, nursing homes, and prisons or jail, and thus generate fewer external costs. Health scholars have estimated that, as compared to other responses to homelessness, Housing First saved

⁴² National Alliance to End Homelessness, *Findings and Implications of the Family Options Study* (July 7, 2015), <https://endhomelessness.org/resource/findings-and-implications-of-the-family-options-study/>.

\$6,307 annually per homeless adult with a chronic medical condition.⁴³

The Housing First model rightly focuses on ending homelessness through permanent affordable housing. It is less costly, more effective, and serves as a springboard to address both the root causes of homelessness and the myriad symptoms thereof. If state and local governments want to reduce homelessness, they must start with housing, first.

ii. Wraparound Services

Lack of affordable housing is not the only cause of homelessness, and housing is therefore not the only necessity that *Amici* provide. Through treatment programs and partnerships, *Amici* help their clients stabilize their health. Through employment counseling, *Amici* identify job opportunities for their clients. Through day centers and street outreach, *Amici* provide day-to-day essentials. And through partnerships and institutional expertise, *Amici* help their clients navigate complex administrative systems. These services are a necessary complement to housing because they directly address other leading causes of homelessness, such as mental illness, substance use disorder, and unemployment.⁴⁴ By

⁴³ Anirban Basu et al., *Comparative Cost Analysis of Housing and Case Management Program for Chronically Ill Homeless Adults Compared to Usual Care*, Health Services Research, 47:1, 523–43 (Feb. 2012), <https://pubmed.ncbi.nlm.nih.gov/22098257/>.

⁴⁴ U.S. States Conference of Mayors, *Hunger and Homelessness Survey: A Status Report on Hunger and Homelessness in America's Cities: A 25-City Survey* (Dec. 2014), <https://www2.cortland.edu/dotAsset/655b9350-995e-4aae-acd3-298325093c34.pdf>.

providing wraparound services, *Amici* both support those who are still unsheltered and ensure that those who receive housing are able to keep it.⁴⁵

Treatment. Many people who experience homelessness also struggle with mental illness, substance use disorder, and physical disabilities.⁴⁶ Keeping someone housed often requires addressing these challenges, too, so *Amici* and their peers facilitate voluntary access to these much-needed services both before and after they place clients in affordable housing. *Amicus* Pathways to Housing DC offers integrated mental health and primary care services to all clients through an on-site, walk-in clinic in partnership with Unity Health Care, D.C.'s largest Federally Qualified Health Center. Pathways also operates an Urgent Care Clinic at the D.C. Superior Court, which serves individuals in the criminal justice system who are in need of immediate mental health and/or substance abuse services.⁴⁷ As another example, *Amicus* Keys to Change in Phoenix, Arizona

⁴⁵ *Amici* often deliver these services through caseworkers who forge strong relationships with their unsheltered clients. These relationships can be critical to long-term stability. See Evan Mintz, *Research & Results: Nine U.S. Localities Offer Human-Centered Approaches to Unsheltered Homelessness*, Arnold Ventures (Mar. 5, 2020), <https://www.arnoldventures.org/stories/research-results-nine-u-s-localities-offer-human-centered-approaches-to-unsheltered-homelessness>.

⁴⁶ See, e.g., National Alliance to End Homelessness, *What Causes Homelessness? Health*, <https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/health/> (updated Dec. 2023).

⁴⁷ Pathways to Housing DC, *What We Do: Urgent Care Clinic*, <https://pathwaystohousingdc.org/what-we-do/urgent-care-clinic/> (last visited Mar. 27, 2024).

operates a 13-acre campus that is home to 15 different partnering organizations, which provide everything from dental care and primary care to mental health care.⁴⁸ *Amicus* Open Table Nashville likewise connects people with physical and mental health care, counseling, and substance abuse treatment.⁴⁹

Employment Counseling. Many people will need to secure gainful employment to retain their housing, and *Amici* assist with that endeavor. *Amicus* Keys to Change has robust infrastructure to help its clients find and keep jobs.⁵⁰ Their staff provide transportation assistance for clients once employed, financial assistance to pay for work uniforms or shoes, help to secure certain certifications or license fees, and assistance for individuals in low-income or part-time employment in locating a higher paying job.⁵¹ *Amicus* Pathways to Housing DC's mental health teams similarly help people find employment as part of their wraparound services.⁵²

Daily Essentials. As direct services providers, *Amici's* routine programming includes touch points with the unsheltered people they serve. *Amicus* Keys to Change operates the Brian Garcia Welcome Center,

⁴⁸ Human Services Campus, *HSC Services*, <https://hsc-az.org/services/> (last visited Mar. 27, 2024).

⁴⁹ Open Table Nashville, *Street Outreach*, <https://www.opentablenashville.org/street-outreach> (last visited Mar. 27, 2024).

⁵⁰ Human Services Campus, *HSC Services*, <https://hsc-az.org/services/> (last visited Mar. 27, 2024).

⁵¹ *Ibid.*

⁵² Pathways to Housing DC, *What We Do: Housing First Teams*, <https://pathwaystohousingdc.org/what-we-do/housing-first/> (last visited Mar. 27, 2024).

a 24/7 facility with restrooms, emergency showers, water, access to staff, connections to urgent psychiatric services, and more.⁵³ This space is open to people whether or not they have shelter. Similarly, Pathways to Housing DC is a partner providing housing-focused services at a Day Center around the corner from the White House where visitors can eat and drink, take showers, do laundry, and see doctors.⁵⁴ Recognizing that a full life includes more than just the means to survive, the Day Center has computers, social activities, and entertainment options.⁵⁵ Open Table Nashville opts to meet its participants where they are—in the street. Staff members regularly deliver camping supplies and meals to those who are still awaiting housing.⁵⁶

Documents and Benefits. Often, accessing basic items like vital records and identification can require navigating complex bureaucracies. *Amici* have developed institutional expertise in these areas—they help clients obtain birth certificates, driver licenses, and social security cards. And *Amici* can lend their knowledge to applications for social security disability income and other public benefits. For example, Pathways to Housing DC operates a Housing First team for veterans living with complex medical and/or behavioral health needs in D.C. and Maryland. The program, funded by the U.S. Department of Veterans

⁵³ Human Services Campus, *HSC Services*, <https://hsc-az.org/services/> (last visited Mar. 27, 2024).

⁵⁴ Pathways to Housing DC, *What We Do: Downtown Day Center*, <https://pathwaystohousingdc.org/what-we-do/downtown-services/> (last visited Mar. 27, 2024).

⁵⁵ *Ibid.*

⁵⁶ Open Table Nashville, *Street Outreach*, <https://www.opentablenashville.org/street-outreach> (last visited Mar. 27, 2024).

Affairs (“VA”), provides permanent housing and intensive wraparound support services like nursing, case management, and peer supports. This program has a 97% housing success rate and has helped reconnect veterans to the VA’s medical, behavioral health, and employment services.

It is telling that *Amici*—a diverse and geographically disparate group of organizations—share so many programs and services in common. That is because the Housing First model and client-centered wraparound services are proven ways to reduce homelessness and tackle its root causes. These strategies are best practices precisely because they are true solutions to the homelessness crisis.

B. Cities Have Meaningful Options to Support Best Practices and Avoid Penalizing Homelessness

Local governments have low-cost, high-impact ways to reduce homelessness. To implement these options, cities can and must transition from punishment to support. Even if municipalities are not able to themselves develop additional affordable housing, there are meaningful ways to work in tandem with *Amici* and their peers.

A recent program by Santa Barbara County, California illustrates how. There, 27% of the homeless population lives in cars, but overnight street parking

is unlawful.⁵⁷ The County joined a local organization’s Safe Parking Program, which lets people park overnight in designated lots. This made space for people to sleep in 136 cars, serving more unsheltered people than any year-round shelter in the County, while also creating a centralized place to connect people with services and housing counseling.

Local governments can also reduce homelessness by focusing on rigorous data collection and improved coordination among agencies, such as the Built for Zero data-driven methodology developed by *Amicus* Community Solutions.⁵⁸ For example, Metropolitan Denver, Colorado reduced veteran homelessness by 30% since 2020 through this data-driven approach.⁵⁹ Metro Denver collected and tracked by-name information on every veteran experiencing homelessness, which revealed that almost half of these individuals were over 60 and helped identify needs for higher-level care. Metro Denver also broke up regions into smaller parts to facilitate by-name data collection and allow providers to address the unique needs of each subregion.

The same is true of public spaces: cities could stop issuing “move-along” orders and citations and

⁵⁷ Arnold Ventures, *Affordability as the Defining Challenge 2*, <https://craftmediabucket.s3.amazonaws.com/uploads/AV-homelessness-Santa-Barbara.pdf>.

⁵⁸ Community Solutions, *Built for Zero: The Methodology*, <https://community.solutions/built-for-zero/methodology/> (last visited Mar. 31, 2024).

⁵⁹ Bianca Gonzalez, *Metro Denver Achieves Quality Data in Five Out of Nine Subregions*, Community Solutions (Mar. 26, 2024), <https://community.solutions/case-studies/metro-denver-achieves-quality-data-in-five-out-of-nine-subregions/>.

instead focus on resources that would benefit all community members. Rather than policing the conduct of people who have nowhere else to go (and will thus likely have to “move along” to other public spaces), local governments can and should approach land from a public health framework. This means installing more drinking fountains, bathrooms, hand-washing stations, and shade coverings in parks.⁶⁰ Cities should also provide public Wi-Fi networks and outlets for charging. These amenities would surely be useful to people with housing and are critical to those without it. Happily, these kinds of additions would also squarely address the hygiene and waste concerns that Grants Pass and its *amici* purport to have.⁶¹

Cities have also limited interaction between unsheltered people and police officers and have accordingly redirected resources from law enforcement to support services. In Syracuse, New York, the police department does not respond to calls related to homelessness. The calls are instead relayed to a 211 number that coordinates outreach and other services.⁶² The City has since been recognized by the

⁶⁰ Katie Kingery-Page & Skylar Brown, *Designing for Public Space Inclusive of Unhoused People*, The Field (Mar. 7, 2019), <https://thefield.asla.org/2019/03/07/designing-for-public-space-inclusive-of-unhoused-people/>; Madeline French, *Inclusive Park Design for People of All Housing Statuses: Tools for Restoring Unhoused Individuals’ Rights in Public Parks* (2023), <https://escholarship.org/uc/item/1f1619sk>.

⁶¹ These concerns, in any event, are red herrings. See Resps. Br. at 32–33.

⁶² Arnold Ventures, *Three Ways Communities Can Promote Inclusive Public Space and Better Support People Forced to Live Outside*, <https://www.arnoldventures.org/stories/three-ways-communities-can-promote-inclusive-public-space-and-better-support-people-forced-to-live-outside>.

National Law Center on Homelessness and Poverty as a Hall of Fame City for the success of this program.⁶³ Similarly, in Eugene, Oregon, 911 callers can report homelessness-related emergencies, but medics and mental health crisis workers are dispatched instead of police officers.⁶⁴ By sending welfare workers in response to homelessness crises and certain others, the City saved \$8.5 million a year from 2014 to 2017.⁶⁵

And on the housing front, there are funding options available to municipalities. *Amicus Community Solutions* has worked with local governments and social impact investors to purchase 1,200 existing apartment and hotel units in eight cities for those experiencing homelessness.⁶⁶ In Santa Fe, New Mexico, for example, the City helped *Community Solutions* leverage federal funding to purchase a hotel and provide housing to 120 people.⁶⁷ Cities can also take the Biden Administration up on its recent incentives to rezone single-family districts for multifamily housing, which will help increase

⁶³ *Ibid.*

⁶⁴ White Bird Clinic, *What is CAHOOTS?* (Oct. 29, 2020), <https://whitebirdclinic.org/what-is-cahoots/>.

⁶⁵ *Ibid.*

⁶⁶ *Community Solutions*, *Closing the Housing Supply Gap* (Mar. 25, 2024), <https://community.solutions/research-posts/closing-the-housing-supply-gap-2023/>.

⁶⁷ *Community Solutions*, *Santa Fe Suites*, <https://community.solutions/projects/santa-fe-suites/> (last visited Mar. 27, 2024).

affordable housing stock.⁶⁸

These kinds of initiatives have proven to be far more efficient *and* cost-effective than punitive responses to homelessness.

C. Policing and Criminalizing Homelessness Worsen Homelessness

None of *Amici's* best practices entail policing or penalties, and for good reason. The ordinances that Grants Pass espouses are not actual solutions—they do nothing to remedy homelessness or its root causes. It is therefore unsurprising that penalties and citations have been shown to *worsen* homelessness, not reduce it. Given the gravity of the homelessness crisis, it is past time for cities to renounce penalization and take up the demonstrably more effective tools available to them.

It is beyond dispute that penalization does nothing for people who are experiencing homelessness except cause further harm. This is borne out by both logic and research. Common sense tells us that banishing a vulnerable group of people from town—often in a way that separates them from their communities and belongings—will not promote stability or health. See Section II.B. *supra*. And studies show that local anti-homelessness ordinances

⁶⁸ White House, *Fact Sheet: Biden-Harris Administration Takes Action to Create More Affordable Housing by Converting Commercial Properties to Residential Use* (Oct. 27, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/27/fact-sheet-biden-harris-administration-takes-action-to-create-more-affordable-housing-by-converting-commercial-properties-to-residential-use/>.

do not reliably decrease the number of people experiencing homelessness.⁶⁹ One recent study even found evidence that adoption of these ordinances increases homelessness.⁷⁰

If Petitioner and its *amici* are genuinely concerned about reducing homelessness, then they should abandon their ineffective punitive approaches and redirect their efforts toward implementing best practices. *Amici* stand ready to work shoulder-to-shoulder to implement proven solutions.

CONCLUSION

For the foregoing reasons, *Amici* respectfully urge this Court to affirm the decision below.

⁶⁹ Hannah Lebovits & Andrew Sullivan, *Do Criminalization Policies Impact Local Homelessness? Exploring the Limits and Concerns of Socially Constructed Deviancy* (Feb. 4, 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4716230.

⁷⁰ *Ibid.*

Respectfully submitted,

/s/ Lila Miller

Lila Miller

Counsel of Record

Valerie D. Comenencia Ortiz

Relman Colfax PLLC

1225 19th St., N.W, Suite 600

Washington, DC 20036

(202) 728-1888

lmiller@relmanlaw.com

Counsel for Amici Curiae

April 3, 2024

APPENDIX

APPENDIX TABLE OF CONTENTS

List of *Amici Curiae*.....App. 1

App. 1

List of *Amici Curiae*

1. Access Services, Inc. (Montgomery County, PA)
2. ACCESS Shelter (Akron, OH)
3. Ann Frances Outreach Foundation (Pottstown/Norristown, PA)
4. Applied Behavioral Rehabilitation Institute, d/b/a Homes for the Brave (Bridgeport, CT)
5. Ascencia (Glendale, CA)
6. Better Days Ahead Outreach Inc. (Phoenixville, PA)
7. Bill Wilson Center (Santa Clara County, CA)
8. Bucks County Health Improvement Partnership (Newtown, PA)
9. Bucks-Mont Collaborative (Harleysville, PA)
10. Cardea Health (Oakland, CA)
11. Carpenter's Shelter (Alexandria, VA)
12. Catholic Charities of Cortland County (Cortland, NY)
13. Catholic Charities of Onondaga County (Syracuse, NY)
14. Catholic Charities USA (National)
15. Cayuga Community Health Network (Auburn, NY)
16. Changing Homelessness, Inc. (Jacksonville, FL)
17. CHATT Foundation (Hamilton County, TN)
18. Chester County Partnership to End Homelessness (West Chester, PA)
19. Chief Seattle Club (Seattle, WA)
20. Children & Families of Iowa (Des Moines, IA)

App. 2

21. Church Housing Corp. (Phoenixville, PA)
22. Coalition for Homeless Concerns (Lawrence, KS)
23. Coalition for Nonprofit Housing and Economic Development (Washington, D.C.)
24. Coalition for the Homeless (Louisville, KY)
25. Coalition for the Homeless (Washington, D.C.)
26. Code Blue Emergency Shelter (Lansdale, PA)
27. Colby's Army Inc. (Nashville, TN)
28. Collaborate Support Program of New Jersey (Hackensack, NJ)
29. Collaborative Solutions for Communities (Washington, D.C.)
30. College Student Basic Needs Program (Montgomery County, PA)
31. Columbus House, Inc. (Connecticut)
32. Community Access Network (Lynchburg, VA)
33. Community Alliance for The Homeless (Memphis, TN)
34. Community Bridges Inc. (Tennessee)
35. Community Connections (Washington, D.C.)
36. Community Human Services (Monterey, CA)
37. Community of Hope (Washington, D.C.)
38. Community Solutions (National)
39. Compass of Carolina (Greenville, SC)
40. Connecticut Coalition to End Homelessness (Connecticut)
41. Cross-Lines Community Outreach (Kansas City, KS)
42. CrossRoads Emergency Shelter (Wichita, KS)
43. Daily Planet Health Services (Richmond, VA)
44. DARE Center (Lawrence, KS)
45. DC Doors, Inc. (Washington, D.C.)

App. 3

46. Dignity Moves (California)
47. Domestic Abuse Intervention Services
(Madison, WI)
48. Door of Hope (Memphis, TN)
49. ECHO, Inc. (Janesville, WI)
50. Elmahaba Center (Nashville, TN)
51. EVE Incorporated (Marietta, OH)
52. Evergreen Treatment Services (Washington
State)
53. Everyone Home DC (Washington, D.C.)
54. Extended Housing, Inc. (Lake County, OH)
55. Families First of Monroe County, Inc.
(Tomah, WI)
56. Family Abuse Shelter of Miami County, Inc.
(Troy, OH)
57. Family Promise Montco PA (Ambler, PA)
58. Family Promise of the Chippewa Valley, Inc.
(Eau Claire, WI)
59. Family Services of Montgomery County, PA
(Norristown, PA)
60. Father Bill's & MainSpring (Brockton, MA)
61. First Step Domestic Violence Services
(Fostoria, OH)
62. FISH/Friends in Service to Humanity of
Northwestern Connecticut (Torrington, CT)
63. Flagler Housing and Homeless Services at
St. Joseph's Villa (Richmond, VA)
64. Flagstaff Shelter Services (Flagstaff, AZ)
65. Friends of the Family (Waterloo, IA)
66. Friends of the Homeless of Tuscarawas
County, Inc. (New Philadelphia, OH)
67. Friendship Place (Washington, D.C.)
68. Friendship Shelter, Inc. (South Orange
County, CA)

App. 4

69. Georgetown Ministry Center (Washington, D.C.)
70. Gideon's Army Grassroots Army for Children (Nashville, TN)
71. Greater Kansas City Coalition to End Homelessness (Kansas City, MO)
72. Gulf Coast Homeless Coalition (Galveston County, TX)
73. Hands On Hartford (Hartford, CT)
74. Harbor Country Mission (Bridgman, MI)
75. Harris County Domestic Violence Coordinating Council (Houston, TX)
76. Hearts and Hands of Hope (Birmingham, AL)
77. Help Right Here (Chattanooga, TN)
78. Helping HandUps (Anaheim, CA)
79. HIPS (Washington, D.C.)
80. HOM, Inc. (Arizona)
81. Homeless and Housing Coalition of Kentucky (Frankfort, KY)
82. Hope Inspired, LLC (Madison, WI)
83. Hope of Mooresville (Mooresville, NC)
84. Hope Partnership (Kissimmee, FL)
85. HOPE Shelters (Pontiac, MI)
86. Hopelink (Redmond, WA)
87. HOPICS (Homeless Outreach Program Integrated Care System) (Los Angeles, CA)
88. Housing and Economic Rights Advocates (California)
89. Housing First Lee County (Fort Myers, FL)
90. Humility of Mary Housing, Inc. (Cuyahoga Falls, OH)
91. Hygiene4All (Portland, OR)
92. Immanuel Community Services (Seattle, WA)
93. Independence Again (Cookeville, TN)

App. 5

94. Institute for Community Alliances (Iowa, Minnesota, Missouri, Alaska, Idaho, Wisconsin, Vermont, New Hampshire)
95. Integrated Services for Behavioral Health (Southeastern Ohio)
96. Interfaith Community Shelter (Santa Fe, NM)
97. Iowa Balance of State Continuum of Care (Iowa)
98. Jaydot LLC (Washington, D.C.)
99. Jefferson Berkeley Alliance (Ranson, WV)
100. Joseph & Mary's Home (Cleveland, OH)
101. Keys to Change (Phoenix, AZ)
102. Kings United Way (Hanford, CA)
103. Knoxville Area Tenants' Union (Knoxville, TN)
104. LA Family Housing (Los Angeles, CA)
105. La Fondita de Jesús (San Juan, PR)
106. La Puente Home Inc.'s Adelante Family Resource Center (Alamosa, CO)
107. Lake Washington United Methodist Church Safe Parking (Kirkland, WA)
108. Laurel House (Montgomery County, PA)
109. Lazarus Ministries Inc, (Atlanta, GA and Washington, D.C.)
110. LifeWorks Austin (Austin, TX)
111. Linda and Friends Helping Hands (Lansdale, PA)
112. Louisville Outreach for the Unsheltered (Louisville, KY)
113. Lubbock Open Door (Lubbock, TX)
114. Manna on Main Street (Lansdale, PA)
115. Mary's Angels Independent Living (Kingstree, SC)

App. 6

116. Metro Lutheran Ministries (Kansas City, MO)
117. Milestone Recovery (Portland, ME)
118. Miriam's Kitchen (Washington, D.C.)
119. Mobile Loaves & Fishes, Inc. (Austin, TX)
120. MontCo Anti-Hunger Network (Lansdale, PA)
121. Montgomery County Coalition for the Homeless, Inc. (Rockville, MD)
122. Mountain CAP of West Virginia, Inc., a CDC (Buckhannon, WV)
123. My Sister's Place (Washington, D.C.)
124. Nashville Launch Pad (Nashville, TN)
125. Neighborhood House (Seattle, WA)
126. Neighbors in Need Alliance (Durango, CO)
127. Nevada Homeless Alliance (Las Vegas, NV)
128. NJ Coalition to End Homelessness (Lawrenceville, NJ)
129. North Capitol Collaborative, Inc. (Washington, D.C.)
130. North Carolina Coalition to End Homelessness (Raleigh, NC)
131. North Marin Community Services (Novato, CA)
132. Nykitas Homeless to Home Christian Faith-Based Project (Las Vegas, NV)
133. Oasis Center (Nashville, TN)
134. Off The Streets (Danbury, CT)
135. One Roof (Birmingham, AL)
136. One-Eighty Place (Charleston, SC)
137. Open Hearth, Inc. (Phoenixville, PA)
138. Open Table Nashville (Nashville, TN)
139. OSL Serves (Seattle, WA)
140. Our Piece of the Pie (OPP) (Hartford, CT)

App. 7

141. Pallet PBC (Everett, WA)
142. PALSS, Inc. (Columbia, SC)
143. Partners for HOME (Atlanta, GA)
144. Pathways of Hope (Orange County, CA)
145. Pathways to Housing DC (Washington, D.C.)
146. Pathways Vermont (Burlington, VT)
147. Patterson & Company (Knoxville, TN)
148. People for Fairness Coalition (Washington, D.C.)
149. Phoenix Community Development Services (Peoria, IL)
150. Phoenix Foundation, NFP (Chicago, IL)
151. Pottstown Beacon of Hope (Pottstown, PA)
152. Presentation Partners in Housing (Fargo, ND)
153. Project Community Connections, Inc. (Atlanta, GA)
154. Project Outpour (Charlotte, NC)
155. Project Understanding (Ventura, CA)
156. Queen Anne Helpline (Seattle, WA)
157. Regional Task Force on Homelessness (San Diego, CA)
158. Resource Center for Independent Living (Utica, NY)
159. reStart Inc. (Kansas City, MO, Kansas City, KS, and Shawnee, KS)
160. Rogers & Rosewater Soup Kitchen (Oakland, CA)
161. Room at the Inn (Marquette, MI)
162. ROOTS Young Adult Shelter (Seattle, WA)
163. Sacramento Loaves & Fishes (Sacramento, CA)
164. Safe Harbor Mission (Pleasanton, KS)
165. Safe Harbour Inc. (Carlisle, PA)

App. 8

166. Safe Haven Family Shelter (Nashville, TN)
167. Safe Spaces Inc. (Raleigh, NC)
168. Salvation Army Emergency Disaster Services of Western Pennsylvania (Pittsburgh, PA)
169. Serendipity Alliance Healthcare Consultants (San Antonio, TX)
170. ShelterCare (Eugene, OR)
171. SHILO NJ (New Brunswick, NJ)
172. Shower the People (Nashville, TN)
173. Solid Ground Washington (Seattle and King County, WA)
174. Somerville Homeless Coalition, Inc. (Somerville, MA)
175. Sonoma Applied Village Services (Sonoma County, CA)
176. St. John Center (Louisville, KY)
177. St. Mary's Center (West Oakland, CA)
178. St. Paul's Center (Rensselaer, NY)
179. Sts. Joachim & Ann Care Service (St. Charles, Lincoln, and Warren, MO)
180. SWFL Regional Coalition to End Homelessness (Fort Myers, FL)
181. Talent Yield Coalition/Marcelous-Williams Resource Center (Highlands, TX)
182. Tennessee Valley Coalition for the Homeless (Knoxville, TN)
183. Tennessee Valley Continuum of Care (East Tennessee)
184. The Beacon (Des Moines, IA)
185. The Bridge Home (Ames, IA)
186. The Children's Center, Inc. (Texas)
187. The Devereux Center (Coos Bay, OR)
188. The Guidance Center (Leavenworth, KS)
189. The h3 Project (Washington, D.C.)

App. 9

190. The Homeless Alliance (Oklahoma City, OK)
191. The Homing Project (Tucson, AZ)
192. The Hope and Help Network (Philadelphia, PA)
193. The Housing Collective, Inc. (Western Connecticut)
194. The Open Link (Pennsburg, PA)
195. The Road Home Dane County, Inc. (Madison, WI)
196. The Samaritan Inn (McKinney, TX)
197. The Women's Center (Raleigh, NC)
198. Think Dignity (San Diego, CA)
199. Timao Center (Fall River, MA)
200. Townspeople (San Diego, CA)
201. Transitional Housing Corporation d/b/a Housing Up (Washington, D.C.)
202. Triune Mercy Center (Greenville, SC)
203. United Community Services of Johnson County (Johnson County, KS)
204. United Housing Connections (Greenville, SC)
205. United Way of Greater Lorain County (Lorain, OH)
206. Unity Health Care, Inc. (Washington, D.C.)
207. Unity House of Troy (Troy, NY)
208. Unity Housing of Johnson City (Johnson City, TN)
209. UP for Women and Children (Louisville, KY)
210. Valley Youth House (Bethlehem, PA)
211. Vecinos Unidos, Inc. (Hartford, CT)
212. Venice Community Housing Corporation (Los Angeles, CA)
213. Veterans Inc. (Worcester, MA)
214. VNA-Community Services, Inc. (Norristown, PA)

App. 10

215. Volunteer Lawyers Project of CNY Inc.
(Syracuse, NY)
 216. Welcome Home Skagit (Mount Vernon, WA)
 217. Wellspring, Inc. (Kentucky)
 218. West Virginia Coalition to End Homelessness
(West Virginia)
 219. WI Balance of State CoC (Wisconsin)
 220. Yaya por vida (Miami and Port St. Lucie, FL)
 221. Youth Oasis (Baton Rouge, LA)
 222. YWCA Binghamton and Broome County
(Binghamton, NY)
 223. YWCA Hamilton (Hamilton, OH)
 224. YWCA of the Greater Capital Region (Troy,
NY)
 225. YWCA Seattle King Snohomish (Washington
State)
 226. YWCA-GCR, Inc. (Troy, NY)
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