

HOMELESSNESS REACHES THE SUPREME COURT: AS IT WEIGHS ONE APPROACH, A BETTER ONE WAITS IN THE WINGS

In evaluating the case of *City of Grants Pass, Oregon v. Johnson*, the U.S. Supreme Court will consider [amicus briefs](#) filed by a collection of jurisdictions that express varying levels of support for [criminalization](#) (e.g., encampment evictions, fines, arrests, or threats of such actions) as a needed or useful remedy for unsheltered homelessness. However, a recent Alliance report ([New Federal Funding Boosts Unsheltered Homelessness Response](#)) points to a significant alternative that America has never tried — fully funding the work of the homeless services systems.

Unsheltered homelessness numbers have been rising since 2016. Recently, the U.S. Department of Housing and Urban Development (HUD)'s response to the crisis included redirecting \$420 million in previously appropriated funds towards three-year grants to a subset of communities impacted by unsheltered homelessness.

The Alliance is working with the communities to understand their work and its impacts, and initial findings indicate what happens when the nation invests in homeless services systems to solve this critical problem.

The current brief poses some significant questions that communities should consider when deciding how to address unsheltered homelessness. It compares the approach of [heightening investments in homeless services systems](#) to the criminalization approach currently before the Supreme Court. **The first approach is a promising way to meet the needs of both housed and homeless community members. The other is not.**



QUESTION 1

What type of mission should drive efforts to reduce the number of people visibly living outside?

INVESTING IN HOMELESS SERVICES

Mission: Reducing the number of people visibly living outside by providing housing to people who don't have housing.

Action: When communities were granted new resources, they chose to direct 69 percent of the funds towards housing and services that help people maintain housing (e.g., case management). Most of the remaining dollars went towards street outreach and other supports that help people while they're still homeless.

This approach results in people **no longer being unsheltered** in public.

OR

CRIMINALIZATION

Mission: Reducing the number of people visibly living outside by forcing them into less visible locations.

Action: In cities like [Los Angeles](#) and [San Francisco](#) encampment evictions forced people to leave targeted locations... but most remain unsheltered and encampments often return (because people have no place to go). L.A.'s encampments response was said to be a "complete and total failure." Other cities have had [similar results](#).

This approach results in people **continuing to be unsheltered** in public spaces.

QUESTION 2

Who should be responsible for making decisions and doing the work of addressing this challenge?

INVESTING IN HOMELESS SERVICES

Communities receiving supplemental funds for unsheltered homelessness tapped people with **relevant expertise** to shape and implement plans, including:

- Homeless services providers
- Mental and physical healthcare providers
- Housing search and public benefits experts
- People who experienced homelessness and identified ways to exit those circumstances.

The people who are most equipped for and experienced in this work are the ones who should be leading it.

OR

CRIMINALIZATION

Criminalization involves police officers and others in law enforcement. The [primary duties](#) of these professionals include "investigation, apprehension, and detention of individuals suspected of criminal offenses." Such offenses often include significant threats to public safety (e.g., murder, robbery, and physical and sexual assaults). In the Supreme Court, [numerous organizations and public officials](#) are supporting the notion that living unsheltered is not a crime.

As first responders, law enforcement officers often encounter many other issues. However, they are [typically not required](#) to be experts on homelessness, poverty, mental health, or other issues tied to living unsheltered. [Significant voices](#) in the law enforcement community say they are not equipped for this work, and their involvement increases the potential for violent encounters while distracting them significant threats to public safety or "activities that matter the most".

QUESTION 3

What process should communities use for deciding how to respond to homelessness?

INVESTING IN HOMELESS SERVICES

To be awarded a targeted grant on unsheltered homelessness from HUD, local homelessness experts had to demonstrate a thoughtful and detailed decision-making process behind their approaches. In their applications, they had to show that they:

- Analyzed local homelessness data.
- Engaged community members.
- Created a comprehensive strategy for unsheltered people.
- Committed to partnerships with housing and healthcare providers.

After engaging in this process, local homelessness experts demonstrated a clear, data-driven foundation to move forward with their approaches to unsheltered homelessness.

OR

CRIMINALIZATION

Local media often [generates stories](#) about people living unsheltered. Businesses and citizens complain to various types of city leaders.

In response to these pressures, local leaders take action. They often prioritize action over consulting strategies that will improve homelessness in the long term. Local leaders will decide to move people out of a targeted area because a reporter chose to talk about it, or the people in that neighborhood are particularly loud or socially or economically powerful.

QUESTION 4

How does existing research inform types of homelessness response?

INVESTING IN HOMELESS SERVICES

Communities who received an influx of funds for unsheltered homelessness had to prove that they are using methods that work. Their focus on housing and services reflect the Housing First strategy, which pairs quick access to permanent housing with voluntary supportive services (like case management and treatment). This strategy has been repeatedly evaluated and [proven effective](#) (even for people managing [severe mental health and substance use challenges](#)).

Additionally, communities reported investing in plans to both scale up previously tested strategies and pilot new innovative approaches.

OR

CRIMINALIZATION

[Fifty-seven homelessness researchers agree](#) — there is no evidence that criminalization reduces homelessness or the existence of people visibly sleeping in public spaces.

Further, there is no evidence that criminalization reduces citizen complaint calls, or that public safety increases as a result.

QUESTION 5

How can communities determine who they target their focus and resources on?

INVESTING IN HOMELESS SERVICES

Before receiving grants to address the unsheltered crisis, community street outreach teams often used their limited resources to target specific populations (e.g., veterans or youth) and specific neighborhoods. New resources have allowed grantees to expand their outreach to new types of people and new locations.

With enough dollars, communities can sustain and expand this work to reach all unsheltered people in all neighborhoods.

Well-resourced street outreach offers aid — connecting people to such items as food, health services, housing search help, or shelter.

OR

CRIMINALIZATION

Criminalization indiscriminately impacts all people who just so happen to be in an area targeted for encampment sweeps or ordinance enforcement efforts. Those unsheltered in other areas continue to be visibly homeless wherever they are.

Criminalization imposes measures such as displacement, property seizures, fines, and incarceration on people experiencing homelessness.

[Social scientists point to research](#) that says these measures worsen a person's health, perpetuate poverty, and cause a list of other harms.

When viewed side-by-side, investing in homeless services is a far superior approach when compared to criminalization. It is better for people experiencing homelessness. It is better for communities seeking to address worries and complaints about visible homelessness in public spaces. Despite the realities, cities [drain their budgets](#) by [spending millions](#) on encampment evictions and other criminalization efforts that have proven to be ineffective problem solvers. It is more [cost-effective](#) to simply connect people without a home to housing.

Meanwhile, America has never fully funded its homeless services systems. Although able to expand their work, none of the 24 communities interviewed by the Alliance believed that their grant was enough to end unsheltered homelessness. One indicated that they received \$5 million for a problem that is estimated to cost more than \$1 billion to solve. The Supreme Court will be weighing arguments this summer, but other significant battles must be waged in Congress, state capitols, and city halls to pay the rest of the tab for homeless services and getting people into housing.

LEARN MORE AT:

endhomelessness.org/criminalization