
U.S. Supreme Court Backs Oregon City's Anti-Camping Law

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The United States Supreme Court issued a pivotal decision in the case of *City of Grants Pass v. Johnson* (June 28, 2024) 603 U.S.____ [2024 WL 3208072], significantly impacting how local governments can address homelessness. The ruling reverses the Ninth Circuit's decision in *Martin v. City of Boise* (9th Cir. 2019) 920 F.3d 584 that had barred public agencies from enforcing public camping laws against homeless individuals when the number of homeless persons exceeded the available shelter beds within the jurisdiction. The Supreme Court's decision restores the authority of cities like Grants Pass to regulate camping on public property, emphasizing the need for judicial restraint and local autonomy in tackling complex social issues. The Court's ruling clarifies the application of the Eighth Amendment, asserting that it concerns the nature of punishments post-conviction rather than the criminalization of specific behaviors.

Background

This case originated from Grants Pass, Oregon, where local ordinances prohibited camping on public property and overnight parking in city parks. These laws, designed to manage public spaces and ensure safety, imposed fines for initial violations and potential imprisonment for repeat offenses. However, following the Ninth Circuit's precedent in *Martin v. City of Boise*, which restricted the enforcement of such laws when shelter beds were insufficient, a class action lawsuit was filed on behalf of the city's homeless population.

Plaintiffs Gloria Johnson and John Logan argued that Grants Pass's public-camping ordinances violated the Eighth Amendment's Cruel and Unusual Punishments Clause. They contended that the city's available shelter beds were not practically accessible due to restrictions, such as mandatory religious services and smoking bans, making all unsheltered individuals "involuntarily homeless." The District Court agreed, issuing an injunction that prevented the city from enforcing its camping bans against homeless individuals. The Ninth Circuit affirmed, based on its prior ruling in *Martin v. City of Boise*.

Grants Pass, supported by numerous states and cities, petitioned the Supreme Court to review the Ninth Circuit's decision, arguing that the ruling impeded the city's ability to effectively manage homelessness and maintain public health and safety.

Impacts and Implications

The Supreme Court's decision carries significant implications for both legal doctrine and public policy. The Court's interpretation of the Eighth Amendment's Cruel and Unusual Punishments Clause reaffirms its focus on the nature of punishments imposed after a criminal conviction, rather than on the criminalization of specific behaviors. This interpretation confines the scope of the Eighth Amendment to post-conviction punishments, distinguishing it from pre-conviction legislative decisions. In doing so, the Court differentiated the Grants Pass ordinances from the precedent set in *Robinson v. California* (1962) 370 U.S. 660, which invalidated a law criminalizing the status of being addicted to narcotics. The Grants Pass laws, in contrast, criminalize specific actions, such as camping on public property, regardless of an individual's status.

The Court also rejected the argument that laws criminalizing involuntary acts, such as camping by homeless individuals with no other options, violate the Eighth Amendment. Drawing on *Powell v. Texas* (1968) 392 U.S. 514, the Court emphasized that the Eighth Amendment does not extend to prohibiting the criminalization of acts that may be involuntary due to an individual's status. By rejecting the extension of *Robinson* to cover involuntary acts, the Court avoided creating a broad, undefined standard that could lead to judicial overreach and uncertainty in the enforcement of various laws.

The decision underscores the importance of federalism and local autonomy, stressing that local government should be allowed to address complex social issues like homelessness without undue federal judicial interference. The Court highlighted that federal judges lack the expertise to devise comprehensive homelessness policies, which are better managed by local governments and their elected representatives. By reversing the Ninth Circuit's precedent in *Martin v. Boise*, the Court restored local governments' ability to experiment with different policies and enforcement strategies to manage homelessness, including the use of public-camping laws as part of a broader tool kit.

Takeaways

From a public policy perspective, the Supreme Court's ruling provides local governments with greater flexibility to enforce public camping laws, which they argue are essential for maintaining public health, safety, and order. This decision may lead to increased enforcement actions in cities struggling with large homeless populations, potentially encouraging homeless individuals to accept available shelter options and services, even if such services have certain restrictions. However, this increased enforcement could also lead to greater legal penalties for homeless individuals, exacerbating their vulnerability and complicating their efforts to find stable housing and employment. The ruling does leave room for necessity defenses in criminal prosecutions, though the success of such defenses will vary by jurisdiction and specific circumstances.

Overall, the Supreme Court's decision reinforces a narrower interpretation of the Eighth Amendment, emphasizing its application to post-conviction punishments rather than the criminalization of specific behaviors. This decision grants significant discretion to local governments in managing public spaces and addressing homelessness, highlighting the ongoing need for comprehensive solutions to this complex issue.

If you have any questions about the Supreme Court's decision or its effect on your local ordinances, please contact the authors of this Client News Brief or any attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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