A Tale of Two Cities:

Legal Strategies and Solutions for Handling Homelessness

International Municipal Lawyers Association
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Houston, Texas

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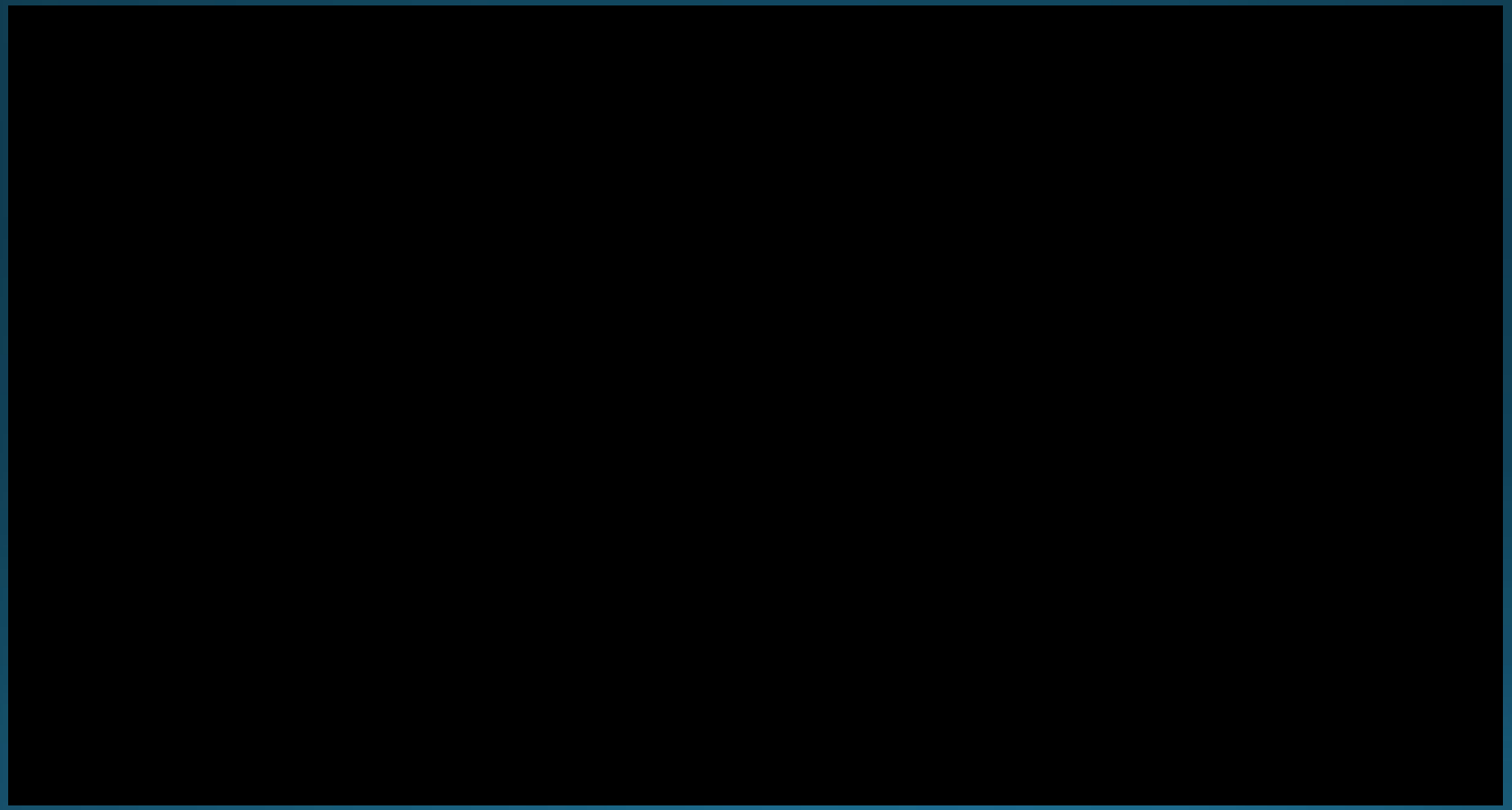
So Many Tents



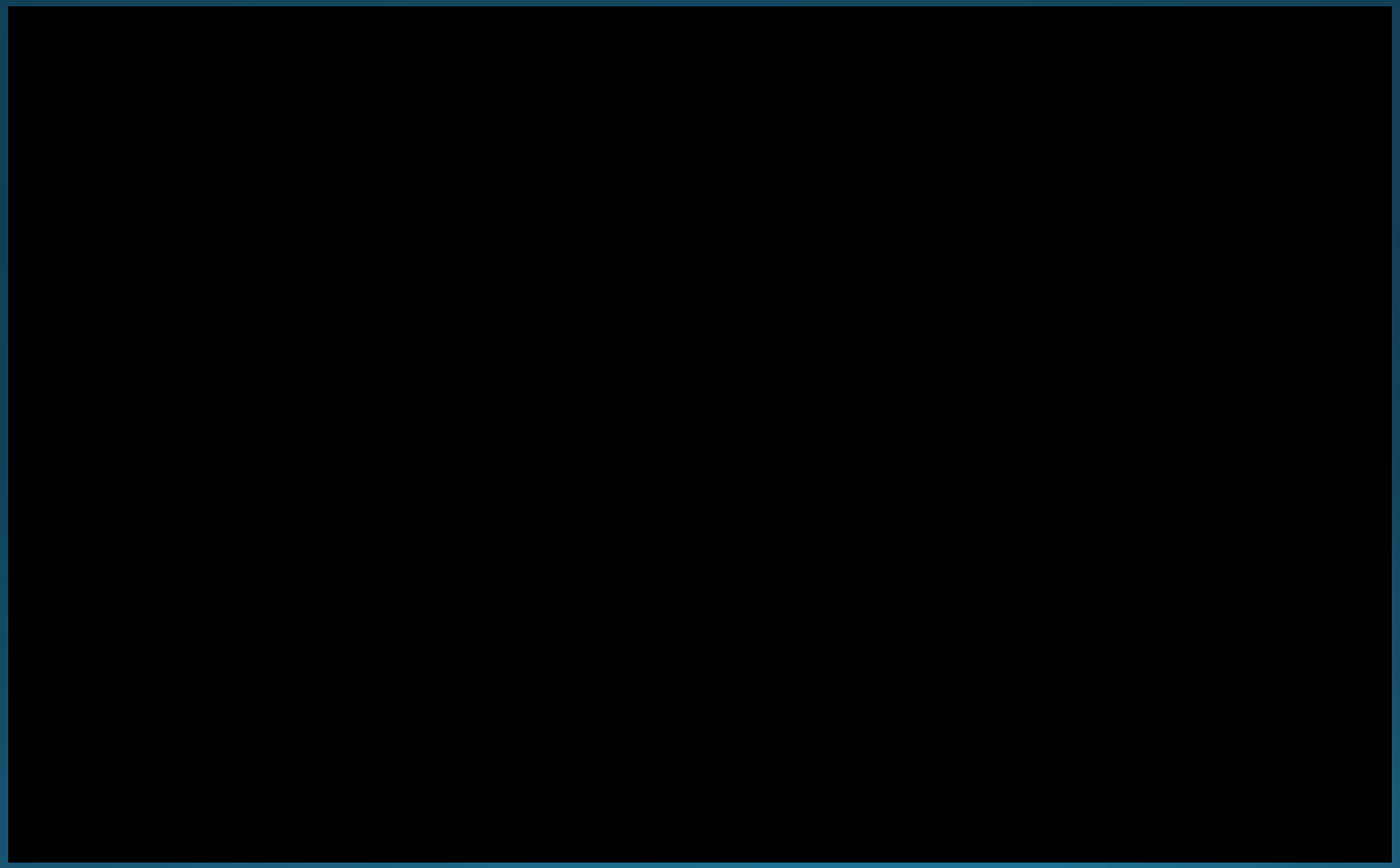




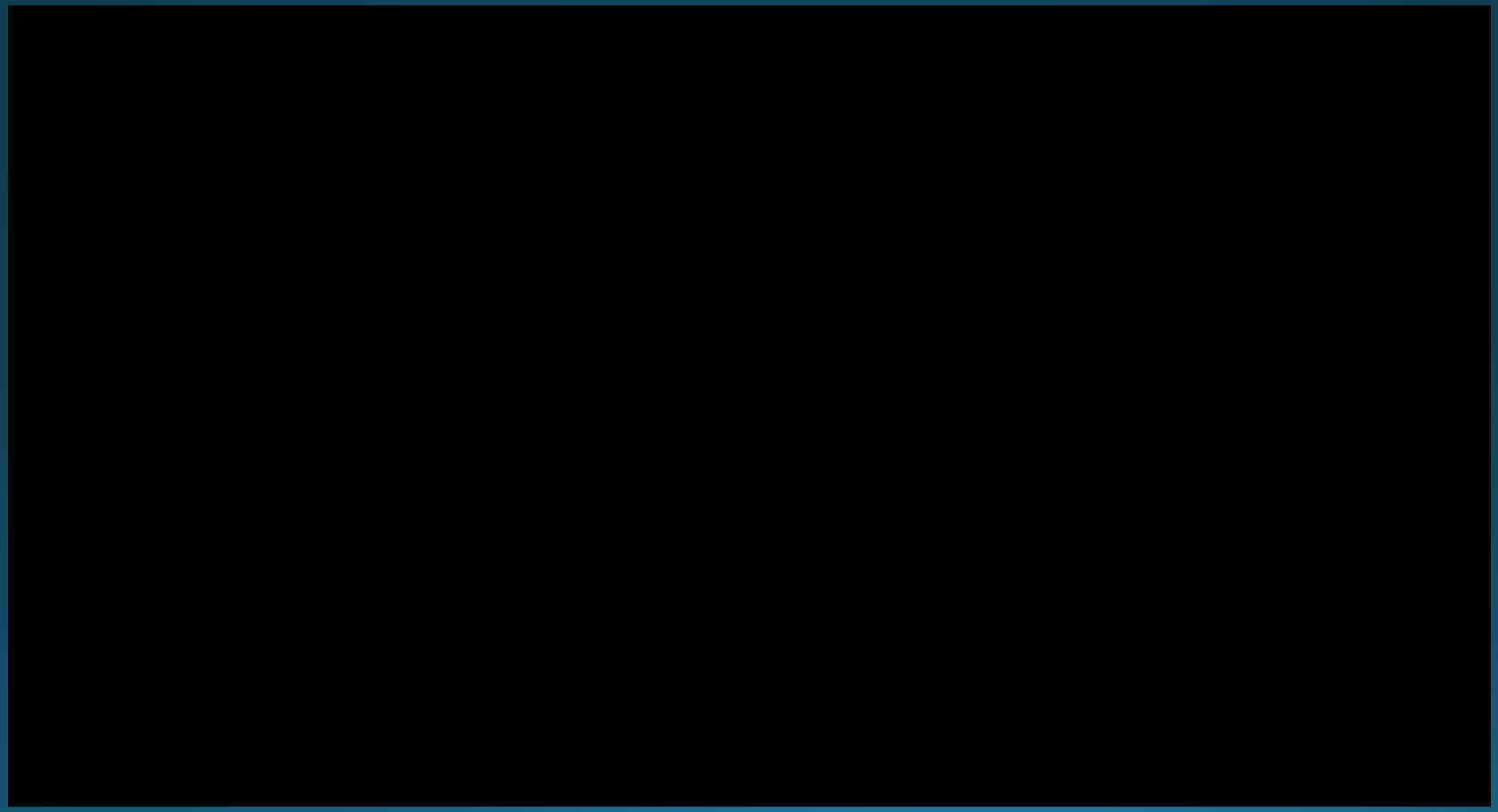
Trash removal and cleanup is a drain on resources.



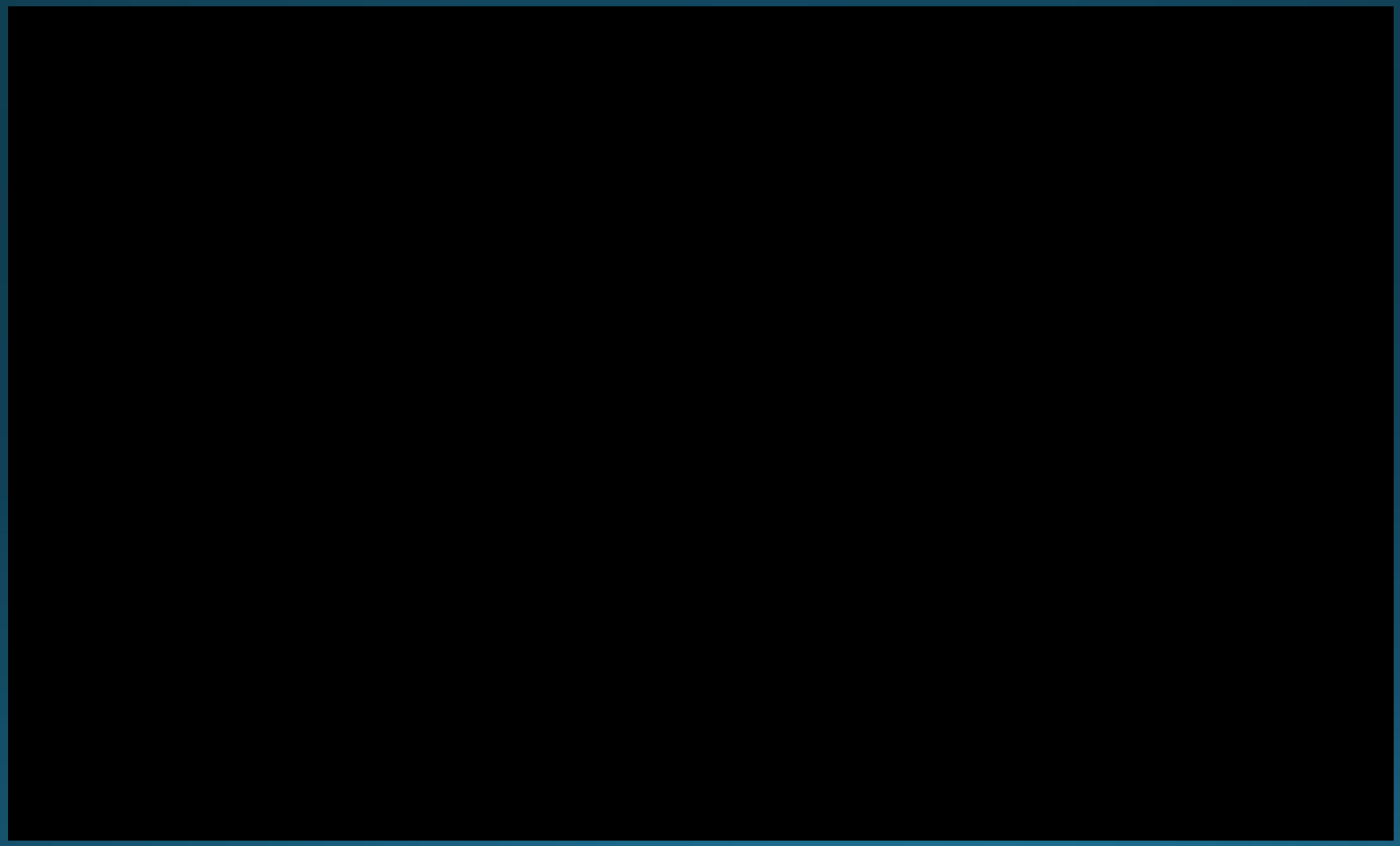
Some residents are concerned…



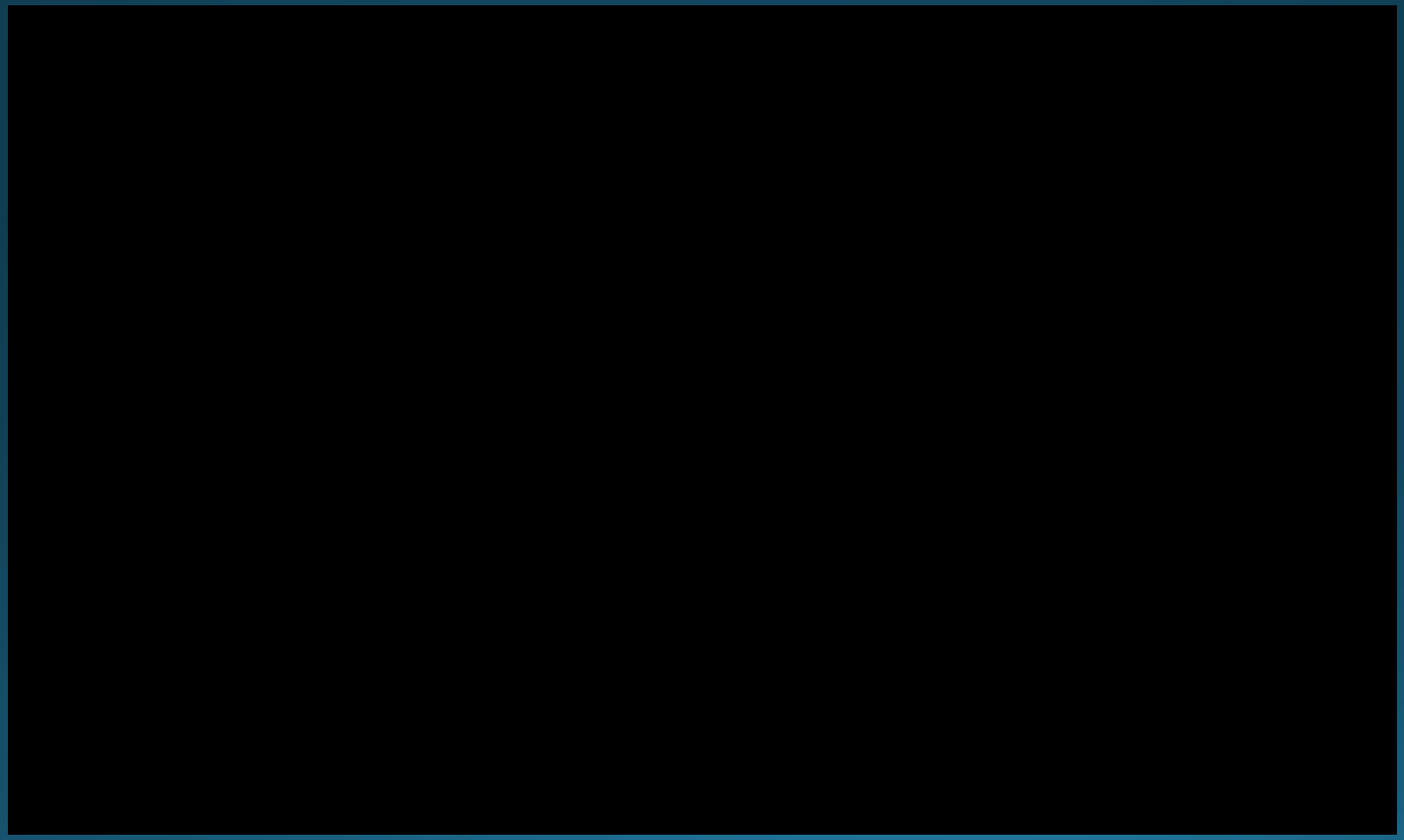
…and getting upset.



The homeless recognize it too.

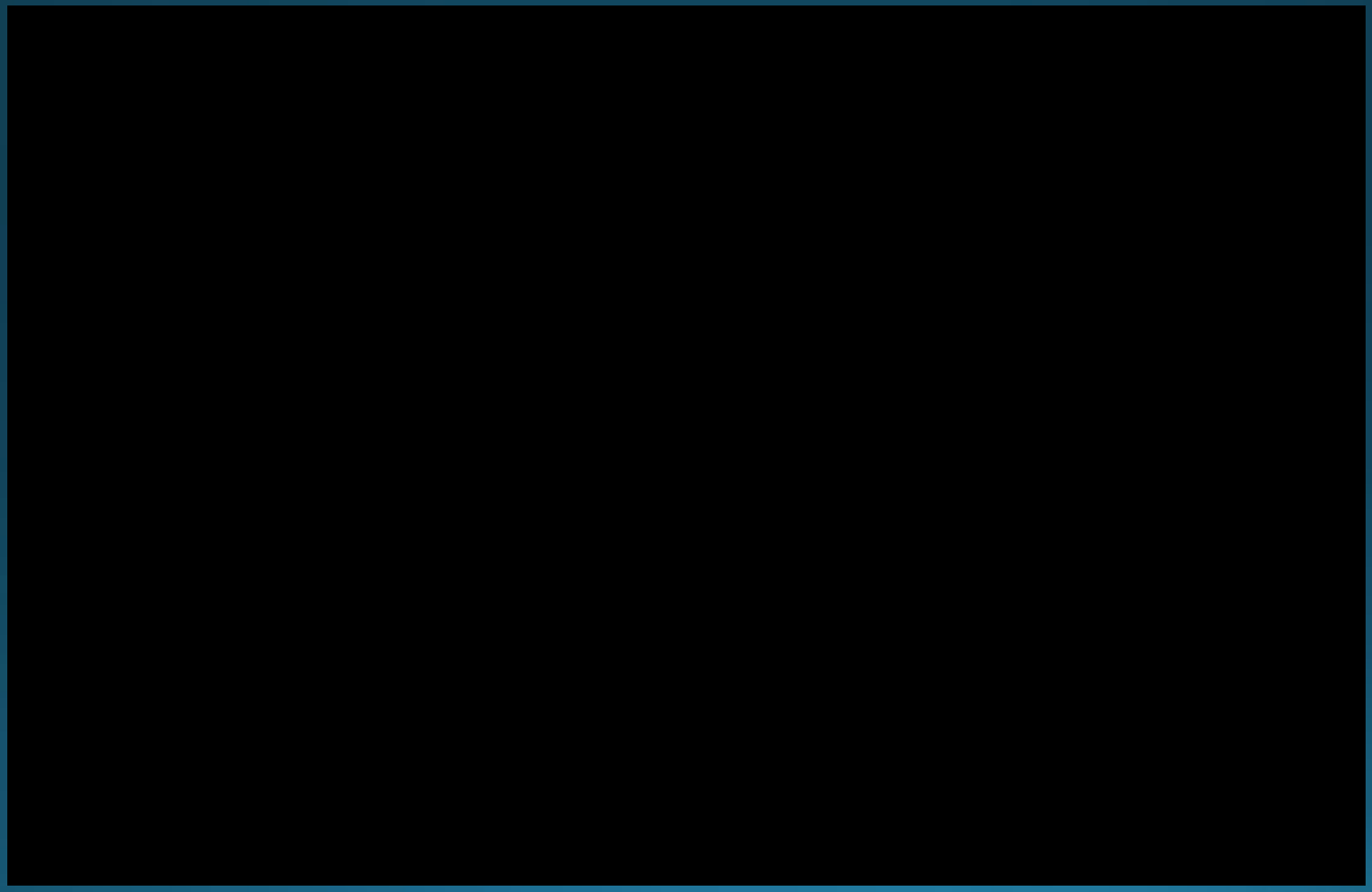


Luckily, there is compassion and accountability.

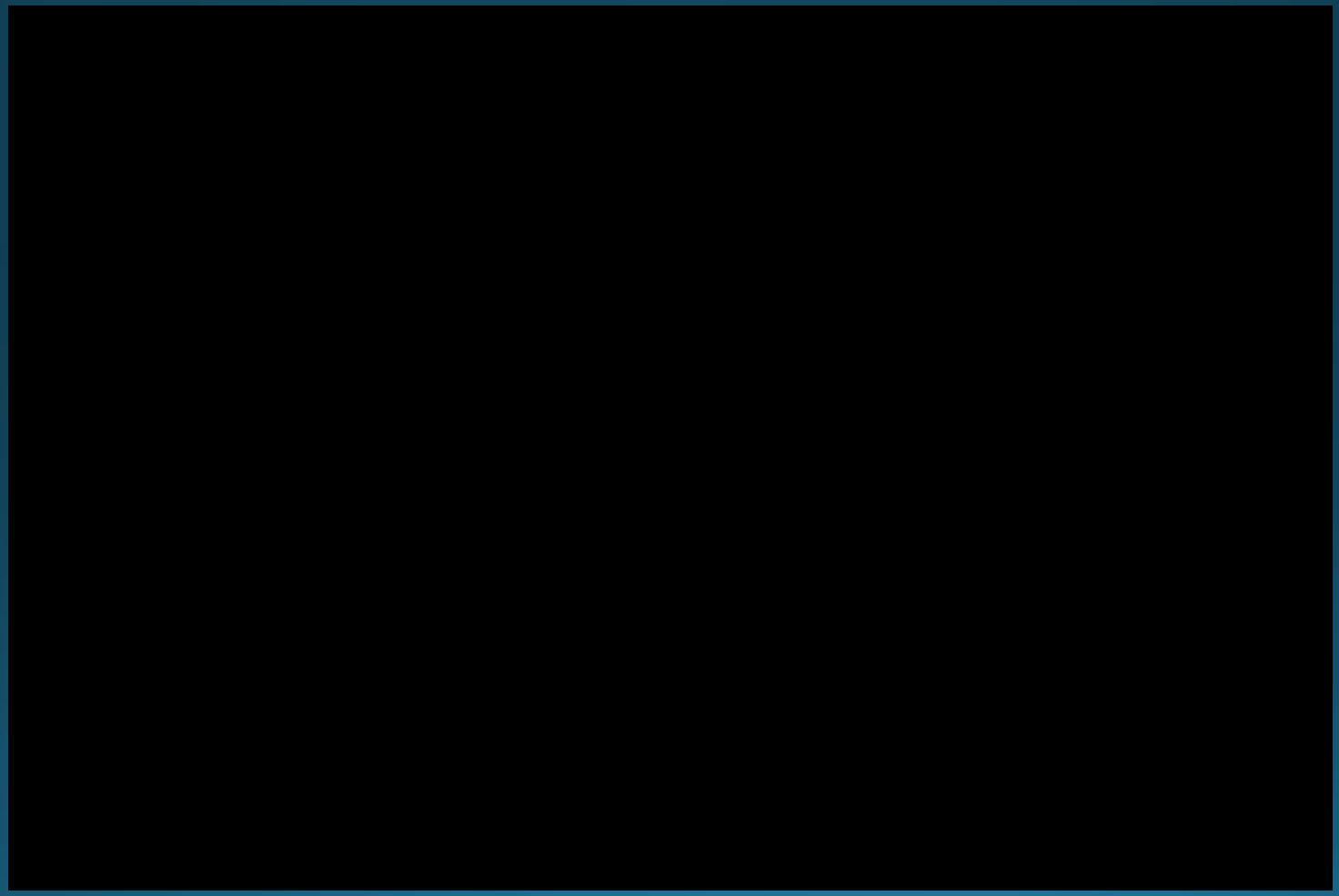


Possible Solution #1

Find out why homeless persons choose to camp.



Other reasons they camp…

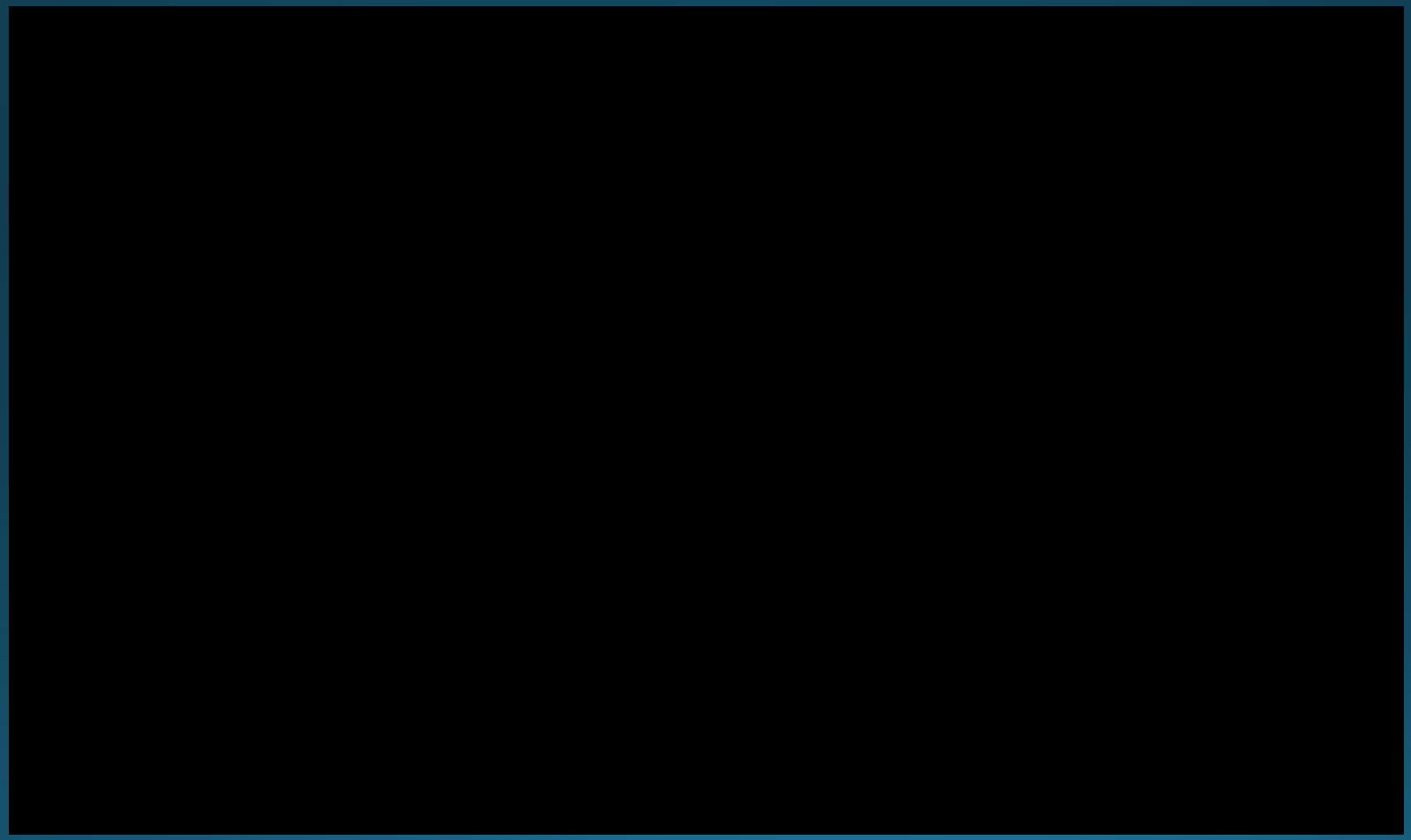


The City can investigate incentives for shelters that address these issues.



Possible Solution #2

Think Macro - Look to economics and housing costs.

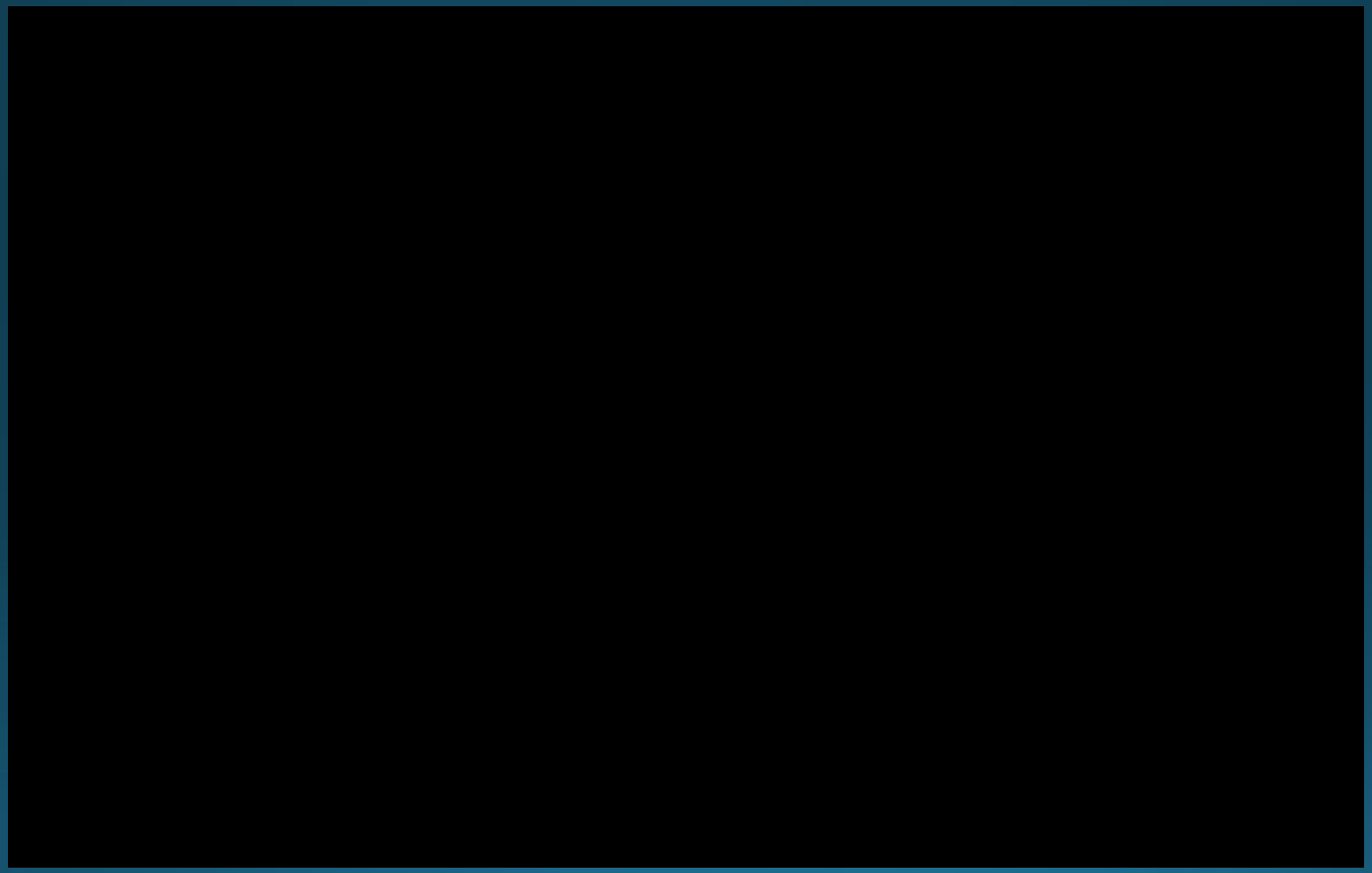


Possible Solution #3

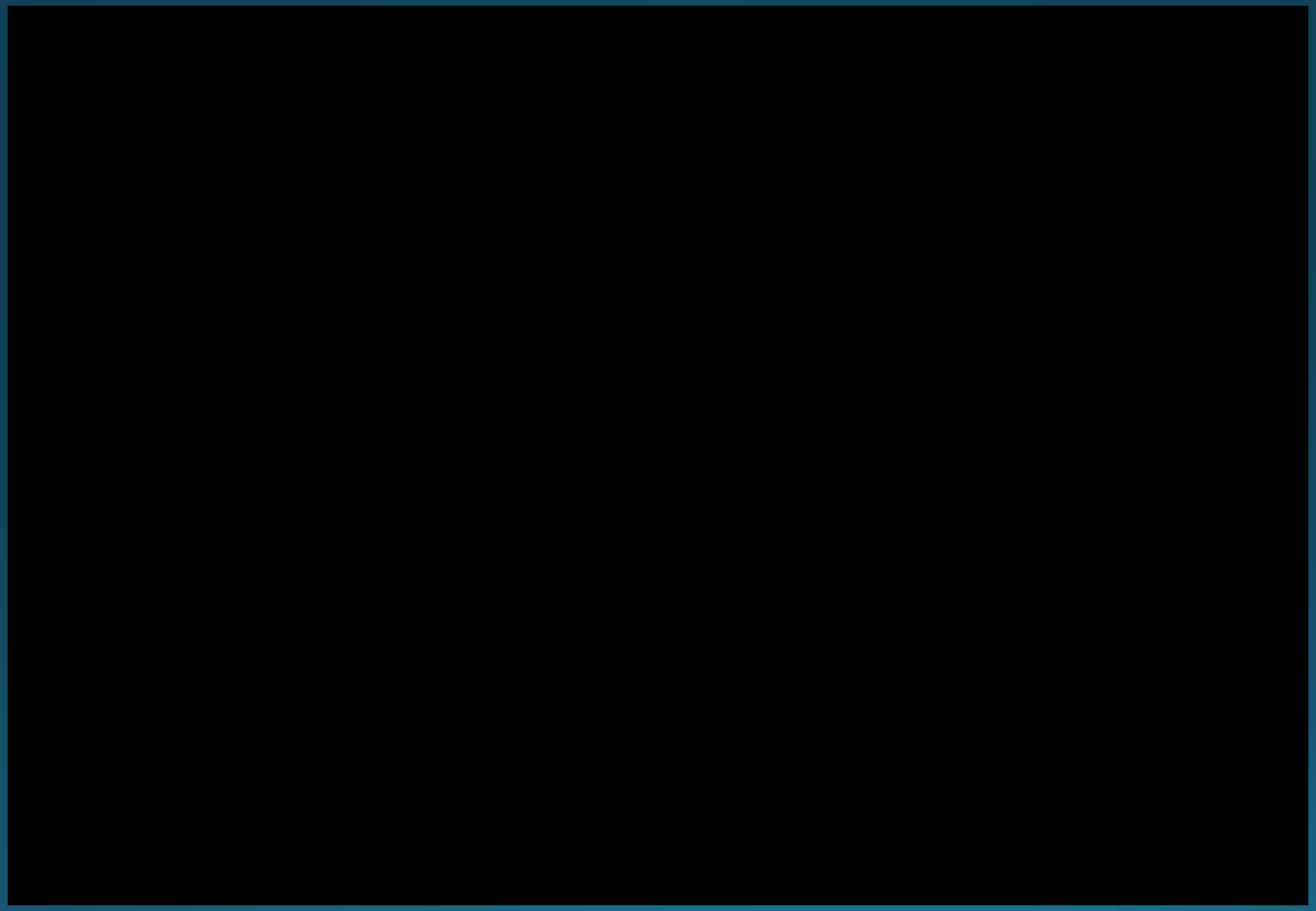
Consider subsidizing tiny home communities.



Dignity Village

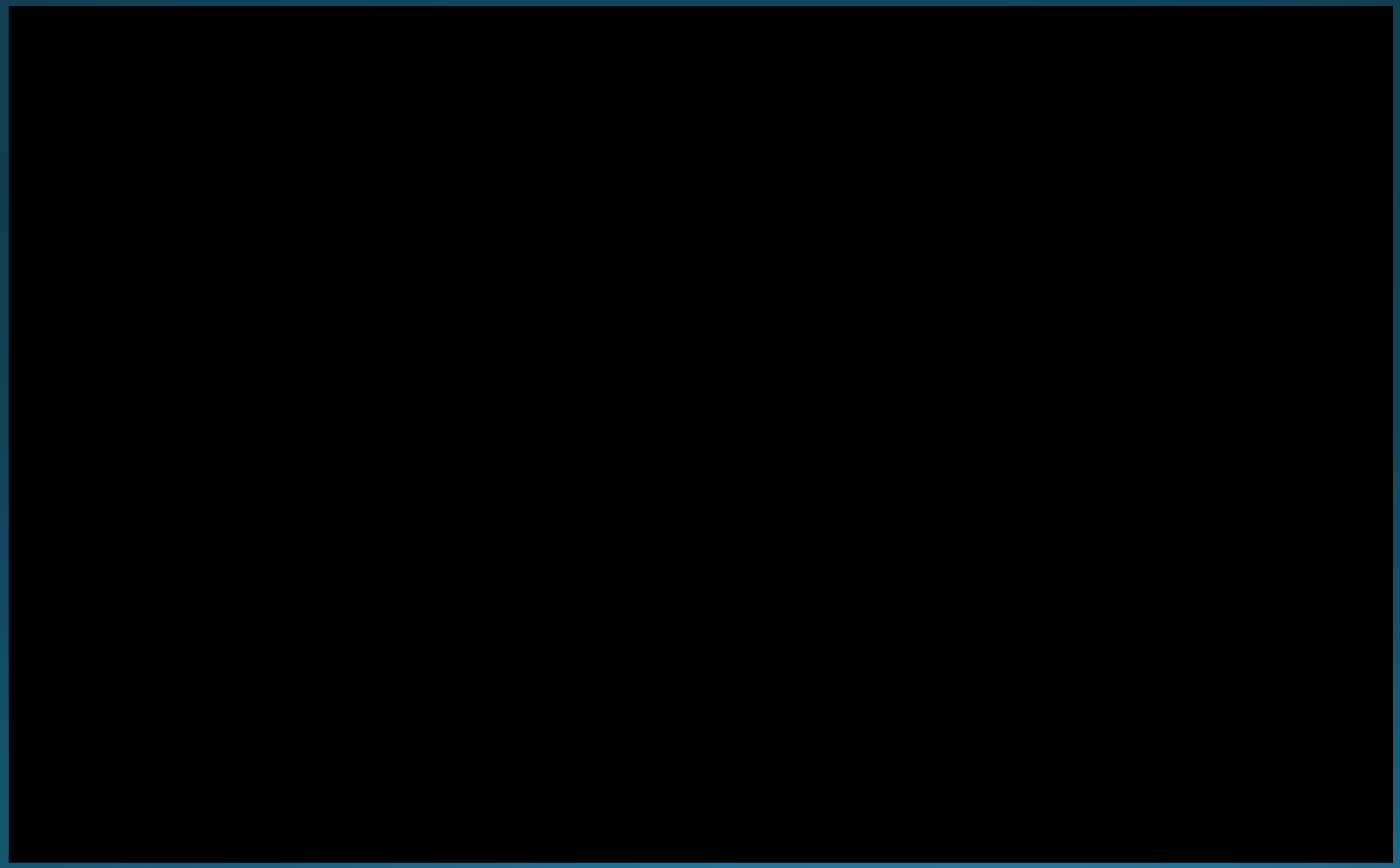


Right to Dream Too (R2D2)



Possible Solution #4

Think Micro - What are small steps that can help? How about an ID project?



Newsflash
Martin v. City of Boise (9th Cir. Sept. 2018)

- Holding- The 8th Amendment's prohibition against cruel and unusual punishment applies to Boise's ordinance that criminalizes sleeping outside on public property where the person has nowhere else to sleep.
  - This applies to criminal penalties for sitting, sleeping and lying.
- But the holding is narrow. The Court specifically reserved a municipality's right to restrict the time and place of sitting, lying, or sleeping.
- Importantly, the case states this holding is valid so long as there are less shelter beds than homeless persons in a community.
  - So what happens when there ae ample shelter beds but the homeless just won't use them? In that case, criminalization could be a tool and you could argue City of Boise as distinguishable.
- Notably, Boise's camping ordinance was not invalidated per se; the convictions were only invalidated because the definition of camping was too broad an officers were interpreting camping too broadly to include "erecting" blankets over themselves.



At the end of the day, homeless persons have stories and need hope. And residents need safety and stability. Hopefully, these potential solutions can be positive steps towards ending homelessness.