

City of Grants Pass v. Johnson

About *City of Grants Pass v. Johnson*

In June 2024, the United States Supreme Court ruled that cities can penalize unhoused individuals for sleeping in public, even if there are not enough shelter beds available. This decision reversed a previous court decision and sided with the City of Grants Pass and their ordinances, which prohibited individuals from using cardboard boxes, pillows, and blankets while sleeping in public property within city limits. This ruling overturned previous jurisprudence which ruled that the ordinance was unconstitutional as applied to homeless individuals, finding that it violated their constitutional right to be free from cruel and unusual punishment under the Eighth Amendment. Writing for the majority, Justice Neil Gorsuch argued that while the Amendment “serves many important functions, [it] does not authorize federal judges [to] dictate this Nation’s homelessness policy.” This decision from the nation’s highest court effectively criminalizes homelessness and may exacerbate public health issues among an already underserved population.

About this Hopkins Judicial Health Note

According to the U.S. Department of Housing and Urban Development, more than 600,000 people were homeless in the United States on a single night in 2023. The City of Grants Pass in Oregon is home to approximately 600 people experiencing homelessness. As affordable housing continues to be an issue in communities across the United States, many cities are enacting public camping laws to discourage people experiencing homelessness from sleeping outside on public property.

To identify the health and equity impacts of criminalizing public camping for people experiencing homelessness, including involuntary displacement and dissolution of encampments, researchers in the Health in All Policies Initiative at the Johns Hopkins Bloomberg School of Public Health created a Hopkins Judicial Health Note, or a document that seeks to identify the often-overlooked health impacts of major court decisions like *City of Grants Pass, Oregon v. Johnson*.

This judicial health note can inform policymakers, public health agencies, and community members, as well as future judicial action, about the potential public health implications of this court decision. This judicial health note does not provide a legal argument or strategy.

- » **RULING:** In June 2024, the United States Supreme Court ruled that cities can penalize unhoused individuals for sleeping in public, even if there are not enough shelter beds available.
- » **BASIS:** According to the court, anti-camping ordinances do not constitute cruel and unusual punishment under the Eighth Amendment, as they penalize conduct rather than status.





- » **WHY WE ANALYZED THIS CASE:** This Hopkins Judicial Health Note summarizes peer-reviewed evidence and public health data to explain the implications of criminalizing homelessness and the potential health effects for people experiencing homelessness and their communities. It seeks to identify persons and communities who will be most affected by this ruling.

Summary of Judicial Health Note Findings

The analysis found **homelessness and lack of stable shelter presents myriad challenges to caring for one's physical and mental health**, in part due to exposure to the elements; lack of sanitation; inability to rest or get quality sleep; and lack of access to services, health care, substance use treatment, healthy foods, and other resources related to poverty. Homelessness is linked to increased rates of mortality from preventable causes, such as overdose, infectious diseases, exposure to extreme weather, violence, and cardiovascular disease. It also found a strong correlation between homelessness and increased rates of mortality from preventable causes due to significantly reduced access to health care, basic hygiene needs, and unstable environments.

The literature review found:

- **Strong evidence that involuntary displacement of people experiencing homelessness exacerbates health conditions by disrupting access to health care, treatment, and social services**, making it even harder to manage chronic health conditions and mitigate health challenges associated with lack of shelter.
- **A fair amount of evidence indicating that encampment sweeps and involuntary displacement of people experiencing homelessness do not improve community health or safety.** In fact, displacement is associated with an increase in crimes against people experiencing homelessness.
- **A fair amount of evidence indicates that ordinances that criminalize sleeping in public areas or encampment sweeping policies lead to more frequent contact between people experiencing homelessness and law enforcement.** As a result, people experiencing homelessness face an increased risk of incurring fines and a criminal record, hindering efforts to secure housing and employment.

This ruling has a significant chance of perpetuating cycles of poverty and limiting an individual's ability to access the care they need in a timely fashion for both physical and mental health conditions.

Complete findings are available in the judicial health note.

Minoritized Groups Most Affected by the ruling

There is strong evidence that minoritized groups, particularly members of the LGBTQ community who are also either Black or multiracial, will be heavily impacted by this ruling. Sexual and gender minority youths are disproportionately affected by homelessness, with 28% of LGBTQ youth reporting ever having experienced homelessness or housing instability.² Identifying as both bisexual and either Black or multiracial tends to compound the risk of homelessness. These individuals are more likely to experience homelessness as minors and are less likely to have recently used emergency shelters or transitional housing.³

Actions to Mitigate the Negative Consequences of Criminalizing Homelessness

This judicial health note does not focus on reasons that people may experience homelessness; however, in considering the health impacts of this case there are important points to consider. Lawmakers must address the issues that are leading to increased rates of homelessness, address the lack of affordable housing, and implement strategies to improve access to care for people experiencing homelessness. Changing the way we approach the issue of homelessness in the country can significantly improve health outcomes for communities across the nation. In addition, individuals and organizations interested in this issue should:

- Advocate for avoiding involuntary displacement to mitigate health harms, and promote viable alternatives.
- Partner with people who experience homelessness in local efforts to avoid involuntary displacement and creating and implementing feasible solutions to address homelessness.

For more information, please visit <https://publichealth.jhu.edu>. For questions, email HI-API@jh.edu.

¹Amy Howe, "Justices uphold laws targeting homelessness with criminal penalties," SCOTUSblog, June 28, 2024, <https://www.scotusblog.com/2024/06/justices-uphold-laws-targeting-homelessness-with-criminal-penalties/>.

²The Trevor Project, *Homelessness and Housing Instability Among LGBTQ Youth*.

³Siconolfi et al., "Health, Homelessness Severity, and Substance Use among Sexual Minority Youth Experiencing Homelessness: A Comparison of Bisexual Versus Gay and Lesbian Youth."

