



Court Decisions Impacting Local Ordinances Regarding the Homeless

CITY COUNCIL MEETING – September 17, 2024

City Staff Representatives:

Alicia R. Calderón, City Attorney



Brighton Municipal Code: Camping

- Littering and overnight camping is prohibited in City open space areas unless specifically designated for camping.
- Littering and overnight camping is prohibited in any park or park facility unless specifically designated.
- Obstructing any sidewalk, street, alley or public place is unlawful.





Background: Martin v. City of Boise

- In 2018/2019 the Ninth Circuit issued a decision finding two city ordinances violated the 8th Amendment (cruel and unusual punishment) because it imposed criminal sanctions against homeless individuals for sleeping outdoors on public property when no alternative shelter was available.
- The Court compared the situation to a previous case that made the criminalization of a person's status (addiction) a violation of the 8th amendment.
- As long as there is a greater number of homeless individuals than the number of available beds in shelters, the jurisdiction cannot prosecute homeless individuals for involuntarily sitting, lying, and sleeping in public.



City of Grants Pass v. Johnson

- The United States Supreme Court issued a decision June 28, 2024 overruling the *Martin* case.
- Grants Pass is a city of 38,000 people with an estimated 600 homeless. The city has three ordinances at issue in the case: 1) no sleeping on public sidewalks or streets; 2) no camping on public property, and 3) no camping or overnight parking in the city's parks.
- “Rather than criminalize mere status, Grants Pass forbids actions like “occupying a campsite” on public property.
- The ordinances are not a violation of the 8th amendment.

Other Issues

- Lyall v. City of Denver: In 2016, people affected by the clean up of homeless camps filed a class action case against Denver for a failure to provide adequate notice and for conducting them in a way that destroyed their property and prevented the individuals from retrieving their property.
- Denver settled the case.
- Issues to consider: What is adequate notice? What happens with property at an encampment? If property is stored, for how long?



Belongings may include clothing, identification documents, photos, shoes, and other personal items.



Questions?