No. 23-175

IN THE

Supreme Court of the United States

CITY OF GRANTS PASS,

Petitioner,

v.

GLORIA JOHNSON AND JOHN LOGAN, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF OF THE NATIONAL ALLIANCE TO END HOMELESSNESS, FUNDERS TOGETHER TO END HOMELESSNESS, AND ENTERPRISE COMMUNITY PARTNERS, INC. AS *AMICI CURIAE* IN SUPPORT OF RESPONDENTS

Lauren Willard Zehmer
Counsel of Record
Silvia W. Wu
John K. Heise
Esaú Abdiel Ruiz
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
LZehmer@cov.com
(202) 662-6000

Counsel for Amici Curiae

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INTEREST OF *AMICI CURIAE*[1]

The National Alliance to End Homelessness ("the Alliance") is a nonprofit organization founded in the 1980s by national leaders from both major political parties, concerned about the rise of homelessness across the country. The Alliance is a national network of tens of thousands of providers, public agencies, and private partners. Its mission is in its name: to end homelessness in the United States. The Alliance and its partners work hard to deal with the fact that thousands of Americans live unsheltered in sleeping bags, in tents, under trees, in cars, and in abandoned buildings. The Alliance is brought together by a conviction that no one should live this way.

The Alliance is led by Ann Oliva, a career veteran of homelessness and housing policy, and recognized as one of the foremost experts on homelessness in the nation. Ms. Oliva and other leaders of the Alliance have testified before Congress and advised Administration officials on homelessness-related issues. The Alliance's Research Council includes leading academics and researchers in the fields of homelessness and housing, and its Homelessness Research Institute produces well-respected publications that inform policymakers, providers, and the public about homelessness. The Alliance's staff collectively leverages decades of knowledge in public policy, social

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[1] Pursuant to Rule 37.6, *amici* affirm that no counsel for a party authored this brief in whole or in part, and that no person other than *amici* or its counsel made any monetary contributions intended to fund the preparation or submission of this brief.

work, health, law, and economics—as well as unparalleled on-the-ground experience interfacing with individuals experiencing homelessness—to advocate for meaningful and effective solutions to the unsheltered homelessness crisis.

Funders Together to End Homelessness ("Funders Together") is a national network of more than 260 foundations, United Way organizations, and individual philanthropists working to prevent and end homelessness. Funders Together mobilizes its members to use philanthropy's voice, influence, and financial capital to end homelessness by creating and advancing lasting solutions grounded in racial and housing justice. Funders Together believes housing justice is a building block for racial justice and a just housing society must offer safe, secure, affordable, and dignified living conditions where people have power and agency over how and where they live.

Funders Together is led by Amanda Andere, a noted expert on housing and racial justice with two decades dedicated to working in the nonprofit and public sector. Ms. Andere has had a pivotal role in mobilizing philanthropy to partner with government departments and agencies to move investments in evidence-based solutions to end homelessness and housing insecurity.

As an organization whose members have invested private resources into best practices to end homelessness and support unhoused neighbors, Funders Together has an established strategy of advocating for public policy rooted in housing and racial justice. The organization also works to elevate and diversify the

voices of organizers and activists doing regional work and individuals with lived expertise. In addition to policy work, Funders Together also provides individualized technical assistance to member organizations to help strategize how to ensure investments have the most impact for unhoused neighbors.

Enterprise Community Partners, Inc. ("Enterprise") is a national nonprofit that exists to make a good home possible for the millions of families without one. Enterprise supports community development organizations on the ground, aggregates and invests capital for impact, advances housing policy at every level of government, and builds and manages communities. Since 1982, Enterprise has invested $64 billion and created 951,000 homes across all 50 states—all to make home and community places of pride, power, and belonging.

The Alliance, Funders Together, and Enterprise file this brief in response to the argument by Petitioner and Petitioner's *amici curiae* that the Ninth Circuit's opinion limiting the criminalization of involuntary homelessness has "handcuffed local jurisdictions" from responding to the homelessness crisis. *See* Pet'r Br. 45. Ample evidence and decades of experience demonstrate that criminalization does not solve homelessness; providing housing and services does. For example, sustained investment in housing programs has cut homelessness among veterans in half. In stark contrast, criminalizing the existence of people involuntarily experiencing homelessness violates the Eighth Amendment, is an inefficient use of public funds, and ultimately exacerbates the homelessness crisis.

INTRODUCTION AND SUMMARY OF ARGUMENT

Petitioner and Respondents both agree there is a homelessness crisis in the United States. But rather than working to end it, Petitioner seeks to banish homeless people out of sight and out of mind. As the Ninth Circuit correctly held, Grants Pass ordinances criminalizing involuntary homelessness violate the Eighth Amendment. Petitioner and its local government *amici curiae* claim they are helpless to solve homelessness without the ability to criminalize it. The data and evidence show the opposite.

According to the Department of Housing and Urban Development ("HUD"), as of 2023, over 650,000 people were homeless in the United States.[2] Approximately 40 percent of this population, or 250,000, were unsheltered—living in places "not meant for human habitation."[3] Nearly 25 percent of those experiencing unsheltered homelessness were over the age of 55.[4] Homeless people are more likely to have pre-existing health conditions, tend to lack health insurance, and have a life expectancy nearly 30 years shorter than

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[2] *See* HUD, *2023 Annual Homelessness Assessment Report (AHAR) to Congress* 10, https://perma.cc/URQ7-7PEX ("2023 AHAR").

[3] *See* 2023 AHAR, *supra* note 2, at 1. In 2020, for the first time since HUD's data collection began, more homeless people were unsheltered than sheltered. *See* HUD, *2020 Annual Homeless Assessment Report (AHAR) to Congress* 1, https://perma.cc/VQM7-EZQH.

[4] The Alliance, *Older Adults* (archived Apr. 1, 2024), https://perma.cc/J8FQ-STKH.

the average American.[5] This presents a devastating health and humanitarian crisis in the world's richest country.

Homelessness is a traumatic disruption for those who experience it. Lack of a safe place to sleep, uncertainty around meals, and isolation from loved ones take a psychological and physical toll. Holding down a job while in survival mode is difficult. Moreover, because of income disparities and decades of structural discrimination, Black and Indigenous people and other people of color experience homelessness at a disproportionately high rate.[6] The homelessness crisis has worsened over time, especially since the 1980s, owing to a combination of cuts in federally subsidized housing, rising housing costs, and the failure of wages to keep pace.[7]

Despite the growing publicity and urgency of the crisis, misinformation about homelessness abounds, including the characterization by Petitioner's *amici* that homelessness is a "choice." *See, e.g.*, City of Chico Br. 25 (noting a "tendency for those who remain outside to take steps to avoid being sheltered"); Goldwater Institute Br. 16 (asserting that many homeless people "do not want housing—at least, not at the cost of giving up their addictions or other poor

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[5] *See* U.S. Interagency Council on Homelessness ("USICH"), *Data & Trends* (archived Mar. 27, 2024), https://perma.cc/K8US-P4JP.

[6] The Alliance, *Homelessness and Racial Disparities* (2023), https://perma.cc/Z633-52LY.

[7] *See* Nat'l Homelessness Law Ctr. ("NHLC"), *Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities* 29 (2019), https://perma.cc/L8S9-ZGBH.

lifestyle choices"); Cicero Institute Br. 7–8 (misconstruing California study to claim that most people become homeless due to drug use and mental illness). Unsheltered homelessness, however, is most often caused by factors outside of one's control.

Lack of affordable housing and rising costs of moderate housing are among the leading causes of homelessness. The Government Accountability Office ("GAO") concluded that "a $100 increase in median rental price was associated with about a 9 percent increase in the estimated homelessness rate," and that the largest homeless populations tended to be concentrated in cities with high median rents.[8] And in 2023, in no state, metropolitan area, or county in the U.S. can a full-time worker earning the federal, state, or local minimum wage afford a modest two-bedroom rental.[9] In only 7 percent of counties nationwide can someone earning minimum wage working full-time afford a one-bedroom rental.[10]

Another common piece of misinformation is that homeless people are dangerous, mentally ill, drug addicts, and alcoholics. *See, e.g.*, League of Oregon Br. 11; Manhattan Institute Br. 3. But the data show that the majority of people who become homeless are not addicted to alcohol or drugs or mentally ill. In fact,

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[8] GAO-20-433, *Homelessness: Better HUD Oversight of Data Collection Could Improve Estimates of Homeless Population* 30–31 (2020), https://perma.cc/TT3U-RQD9.

[9] *See* Nat'l Low Income Housing Coalition ("NLIHC"), *Out of Reach: The High Cost of Housing* 3, https://perma.cc/3C54-UAZN ("2023 OOR").

[10] *See id.*

substance abuse among homeless people is more often the *result* of being homeless, not the other way around.[11] The stress and trauma of homelessness can similarly exacerbate mental illness.

Buying into misinformation and stereotypes about homelessness, Petitioner seeks to push homeless people out of its jurisdiction by criminalizing involuntary unsheltered homelessness. Petitioner and Petitioner's *amici* attempt to justify the harsh consequences of the Grants Pass ordinances by suggesting local governments have no other means of responding to the homelessness crisis. *See* Pet'r Br. 45 (claiming the Ninth Circuit's opinion has "handcuffed local jurisdictions as they tr[y] to respond to the homelessness crisis."); Manhattan Institute Br. 11 (claiming that "the rulings have hampered localities' abilities to reduce homeless encampments"). But that is demonstrably false.

Local governments do have alternative means to respond. A leading and more effective solution to the homelessness crisis is to provide housing without preconditions and accessible, voluntary, and tailored services, also known as "Housing First." This approach prioritizes housing homeless people, targeting the root cause of homelessness, resolving their immediate need for housing, and giving them a platform to get back on their feet. Homelessness is most often a case of someone temporarily down on their luck; with

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[11] *See, e.g.*, Stacy Mosel, Am. Addiction Ctrs., *Substance Abuse and Homelessness: Statistics and Rehab Treatment* (Feb. 7, 2024), https://perma.cc/YE4Q-YUY7.

assistance from housing and services programs, individuals tend to secure replacement housing in a matter of weeks.[12] A wealth of studies and real-life examples show that Housing First is the most effective way to reduce homelessness.

Criminalization, in contrast, prolongs homelessness and exacerbates the crisis. Fines and criminal records impede efforts to secure housing or access public benefits, and further strain public resources. The threat of criminal penalties does not reduce homelessness. At most, it drives unsheltered homeless people into hiding, leading to greater health and safety concerns for localities. Criminal punishment for peaceably sleeping outside as an unsheltered homeless person is not only cruel and unusual in violation of the Eighth Amendment, but unnecessary, expensive, and counterproductive.

ARGUMENT

I. GRANTS PASS ORDINANCES PUNISHING INVOLUNTARY HOMELESSNESS VIOLATE THE EIGHTH AMENDMENT

The Eighth Amendment's proscription against cruel and unusual punishment prohibits certain kinds of punishments and "imposes substantive limits on what can be made criminal and punished as such." *Ingraham v. Wright*, 430 U.S. 651, 667 (1977). Under the Eighth Amendment, "criminal penalties may be

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[12] *See* Alexis Krivkovich et al., McKinsey & Co., *The Ongoing Crisis of Homelessness in the Bay Area: What's Working, What's Not* (2023), https://perma.cc/5P9E-2T5S (70 percent of homeless population are homeless for only weeks or months).

inflicted only if the accused has committed some act, has engaged in some behavior, which society has an interest in preventing, or perhaps in historical common law terms, has committed some actus reus." *Powell v. Texas*, 392 U.S. 514, 533 (1968) (plurality). Thus a law that criminalizes a "status," such as a disease, "would doubtless be universally thought to be an infliction of cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments." *Robinson v. California*, 370 U.S. 660, 666 (1962).

In *Robinson*, the Court held that a law "which makes the 'status' of narcotic addiction a criminal offense, for which the offender may be prosecuted 'at any time before he reforms'" violated the Eighth Amendment. *Id.* The Court explained that "[e]ven one day in prison would be a cruel and unusual punishment for the 'crime' of having a common cold." *Id.* at 667. Thus the statute at issue—which meted out punishments for "an illness which may be contracted innocently or involuntarily"—violated the Eighth Amendment. *Id.*

Like contracting the common cold, involuntary homelessness is neither an "act" nor a choice. Grants Pass ordinances punishing the unsheltered homeless therefore violate the Eighth Amendment and the principle set out in *Robinson*.

A. Involuntary Homelessness Is The Result of Systematic Failures, Not a Choice

Petitioner and its *amici* misrepresent homelessness as a voluntary decision. *See, e.g.*, Goldwater Institute Br. 16. The vast majority of unsheltered

homeless people, however, find themselves in this position through causes outside of their control.

The chief causes of homelessness are a shortage of affordable housing, the increase in cost of moderate housing, and poverty.[13] Nationally, there are only 34 affordable and available rental homes for every 100 extremely low-income renter households (with incomes below 30 percent of the median for their communities), and in Oregon, where this litigation originates, there are 26 such units.[14] In California, which has the largest population of homeless people in the country, 89 percent of homeless people could not afford rent.[15]

As of 2023, a full-time worker would need to make $23.76 per hour to afford a modest one-bedroom unit at market rate.[16] In many parts of the nation, that figure is significantly higher. For example, in Oregon, this figure is $24.83; in California, $33.97; and in New York state, $34.84.[17] At the city level, the situation is bleaker still. In Los Angeles, this figure is $33.60; in

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[13] *See* The Alliance, *What Causes Homelessness?* (2023), https://perma.cc/RJ6E-JYNW.

[14] *See* NLIHC, *The Gap: A Shortage of Affordable Homes* (Mar. 2024), https://nlihc.org/gap.

[15] *See* Margot Kushel et al., UCSF, *Toward a New Understanding: The California Statewide Study of People Experiencing Homelessness* (2023), https://perma.cc/PP96-TQBL.

[16] *See* 2023 OOR, *supra* note 9, at 1.

[17] NLIHC, *2023 State Data, Oregon*, https://nlihc.org/oor/state/or; *id.*, *California*, https://nlihc.org/oor/state/CA; *id.*, *New York*, https://nlihc.org/oor/state/ny.

Seattle, $40.38; and in San Francisco, $51.25.[18] In contrast, the federal minimum wage is only $7.25 per hour and the respective state and local minimum wages are significantly less than the income necessary to be housed.[19] Considering the costs of food, clothing, medicine, and other necessities, often for a whole family, there is *no* county or state where a full-time minimum-wage worker can afford a modest apartment.[20] As recently as December 2023, as many as 11 million households pay at least half of their income toward housing.[21] Under those circumstances, any additional, unexpected expenses become existential threats that can lead to homelessness.

Grants Pass is representative of the nationwide housing crisis. The District Court found that Grants Pass has a housing vacancy rate of one percent and that the "stock of affordable housing has dwindled to almost zero." Pet. App. 167a. The availability of any "rental units that cost less than $1,000/month are virtually unheard of in Grants Pass." Pet. App. 167a.

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[18] 2023 OOR, *supra* note 9, at App'x A ii–iii.

[19] The state minimum wage in Oregon and New York is $14.20 per hour, and for California, it is $15.50 per hour. *See* NLIHC, *2023 State Data*, *supra* note 17. At the city level, the minimum wage is $16.78 in Los Angeles; $18.69 in Seattle, and $18.07 in San Francisco. *See* 2023 OOR, *supra note* 9, at App'x A ii–iii.

[20] *See* USICH, *Data & Trends*, *supra* note 5.

[21] *See id.*

According to the most recent census data, approximately 15.7 percent of the city's 39,079 residents lived in poverty.[22]

Petitioner and its *amici* sidestep the lack of affordable housing by focusing on shelters. Shelters are a safety net to temporarily support those falling into homelessness, not a long-term solution. Even so, insufficient shelter space exists to accommodate all homeless people. In the latest available counts, roughly 653,100 people—or 20 out of every 10,000 people in the nation—are homeless on a single night.[23] But there is only enough shelter nationally for 348,630 people at any given time.[24]

The statistics are even worse in some localities. For example, Grants Pass has no available shelter space not tied to religious service for homeless adults. Gospel Rescue Mission, a religious organization which requires people to perform unpaid labor and attend religious services for transitional housing, had 138 beds, *see* Pet. App. 179a–183a. The other organization, Hearts with a Mission Youth Shelter, had 18 beds—all reserved for unaccompanied minors. *See* Pet. App. 22a. Grants Pass also offers a "sobering shelter" which has no beds and "consists of a chair with restraints and 12 locked rooms without toilets where people can sober up for several hours." Pet. App. 182a. Even including the religious shelter, the

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[22] *See* U.S. Census Bureau, *QuickFacts: Grants Pass city, Ore.* (2023), https://perma.cc/M7PK-9CDK.

[23] *See* 2023 AHAR, *supra* note 2, at 1.

[24] *See* The Alliance, *State of Homelessness: 2023 Edition* (2022), https://perma.cc/JJ9D-QVAW.

youth shelter, and the sobering center, there are still not enough beds for the homeless population. *See* Pet. App. 21a–22a, 167a–168a, 169a, 179a–180a.

Grants Pass is not unique. California has a shortage of over 100,000 beds and forty-four other states have a shortage of shelter beds.[25] The data collectively demonstrate that sleeping outside is an involuntary outcome: housing is unaffordable, no shelters exist, and people have nowhere else to go.

In addition, race and discrimination in housing play significant roles in perpetuating the crisis. As a result of structural and historical inequality, Native Hawaiians and other Pacific Islanders, Black Americans, and Native Americans have the highest rates of homelessness in the country.[26] Housing discrimination against people with disabilities is also widespread, with more than 60 percent of complaints filed with HUD in 2020 being related to disability discrimination.[27] And studies show housing

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[25] *See id.*

[26] *See id.* *See also* USICH, *Expert Panel on Homelessness among American Indians, Alaska Natives, and Native Hawaiians* (2012), https://perma.cc/M9X5-RKEA; Kara Ponder et al., USCF, *Toward Equity: Understanding Black Californians' Experiences of Homelessness* (2024), https://perma.cc/S9HN-G2J9.

[27] *See* Corianne Scally & Ebonie Megibow, Urban Inst., *Three Ways Federally Assisted Housing Can Improve Equality in Reasonable Accommodation for Disabled Residents* (Oct. 24, 2022), https://perma.cc/XB3S-PR79.

discrimination based on sexual orientation remains high.[28]

Health problems, including sudden health crises and long-term conditions, also contribute to homelessness.[29] People fall into homelessness when their health conditions become too disabling to maintain housing without help, and becoming homeless in turn exacerbates health problems. According to HUD, people living in shelters are twice as likely to have a disability than the general population, and chronic health conditions are more prevalent among people experiencing homelessness.[30]

Domestic violence also contributes to homelessness; victims become homeless to escape violence and abuse.[31] People fleeing abusive relationships turn to homeless service programs because they frequently lack economic resources of their own.[32]

As these causes demonstrate, contrary to impression given by Petitioner and Petitioner's *amici*,

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[28] *See, e.g.*, Diane Levy et al., Urban Inst., *A Paired-Testing Pilot Study of Housing Discrimination against Same-Sex Couples and Transgender Individuals* (June 30, 2017), https://perma.cc/J32V-ADHJ.

[29] *See* The Alliance, *Health* (Dec. 2023), https://perma.cc/QJ6G-78HG.

[30] *See id.*

[31] *See* The Alliance, *Domestic Violence* (Dec. 2023), https://perma.cc/JE47-C4C4; *see also* USICH, *Prevent Homelessness* (2022), https://perma.cc/V77E-LT99.

[32] *See* The Alliance, *Domestic Violence*, *supra* note 31.

unsheltered homelessness is an involuntary status, not an intentional choice.

B. The Grants Pass Ordinances Punish Involuntary Homelessness by Punishing Sleeping Outside, an Inevitable and Necessary Human Function

In this case, the City Council of Grants Pass, observing a growing number of homeless people, sought to "make it uncomfortable enough for them in our city so they will want to move on down the road." J.A. 114; *see also* Resp'ts Br. 17. Thus, the "camping" ordinances prohibit "sleep[ing] on public sidewalks," Grants Pass Municipal Code ("GPMC") 5.61.020(A), sleeping in a vehicle "overnight," GPMC 6.46.090(B), or sleeping in public using a "sleeping bag, or other material used for bedding purposes," GPMC 5.61.010(B). Individuals who sleep outside face a fine of $75. GPMC 1.36.010. Individuals who sleep outside with a sleeping bag or a blanket face a mandatory fine of $295. GPMC 1.36.010. And additional collection fees apply when fines are not paid. Pet. App. 175a. Individuals who have received two or more fines are excluded from all city parks for thirty days, GPMC 6.46.350, and those violating the exclusion order are charged for misdemeanor criminal trespass. GPMC 5.57.020(A). Combined, these ordinances criminalize individuals who had nowhere to sleep for the "crime" of *having nowhere to sleep*.

"Sleep is involuntary and inevitable."[33] For the 602 individuals in Grants Pass without shelter, the city banned sleeping, an involuntary and inevitable human function. *See* Resp'ts Br. 21. Just as one day in prison is excessive for "the 'crime' of having a common cold," *Robinson*, 370 U.S. at 665, a punishment of hundreds of dollars in fines and exclusion from public spaces is excessive for the "crime" of existing while homeless. Instead of seeking to prohibit homelessness directly, Grants Pass sought to criminalize an inevitable symptom of the involuntary condition of homelessness—sleeping outside with minimal bedding, including a blanket. This is a distinction without a difference. To take the example the Court provided in *Robinson*, Petitioner attempted to short-circuit the Eighth Amendment's prohibition by punishing sneezing rather than having a cold. *See id.* at 667.

II. UPHOLDING THE NINTH CIRCUIT'S DECISION WILL NOT UNDERMINE THE ABILITY OF LOCALITIES TO SOLVE HOMELESSNESS

Petitioner and its *amici* would have the Court believe the Ninth Circuit's holdings in *Martin v. City of Boise*, 920 F.3d 584 (9th Cir. 2019) and *Johnson v. Grants Pass,* 72 F.4th 868 (9th Cir. 2023) have hamstrung local governments' efforts to reduce homelessness. *See, e.g.*, Pet'r Br. 45; League of Oregon Cities Br. 3–6; Thirteen California Cities Br. 25–37.

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[33] Royal Society for Public Health, *Waking Up to the Health Benefits of Sleep* (archived Mar. 27, 2024), https://perma.cc/32YR-BFNM.

But their feigned helplessness ignores that local governments have effective means of responding to homelessness and yet, have failed to use them. Providing housing and services is one such approach supported by decades of robust research evidence and positive experiences from communities across the country. Further, local governments remain free under *Martin* and *Grants Pass* to punish dangerous conduct. Petitioner and Petitioner's *amici* are wrong to insist that criminalization is necessary to end homelessness.

A. Localities Have More Effective Solutions to End Homelessness Through Housing and Services Programs

As discussed in Section I(A), the lack of affordable housing, the increase in cost of moderate housing, and poverty are the primary drivers of homelessness. Providing housing and services thus ends homelessness more effectively than criminalization. "Housing First" is a shorthand to describe a holistic evidence-based approach that prioritizes housing and supportive services to reduce homelessness.[34] Housing First values flexibility, individualized support, client choice, and autonomy, and can be successful for any person. Core components of a Housing First approach include: (i) rapid and streamlined entry into housing; (ii) supportive services that are voluntary, but that can and should be used to persistently engage tenants to ensure housing stability; (iii) tenants with full rights, responsibilities, and legal protections; (iv) few

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[34] *See* The Alliance, *Housing First* (Aug. 2022), https://perma.cc/82AQ-BC52.

to no programmatic prerequisites to permanent housing entry; and (v) practices and policies to prevent lease violations and evictions.

There are two common Housing First models: permanent supportive housing and rapid re-housing.[35] Permanent supportive housing pairs long-term rental assistance with supportive services, and targets individuals and families with chronic illnesses, disabilities, mental health issues, or substance use disorders experiencing long-term or repeated homelessness.[36] Supportive services (i.e., health care, behavioral health services, substance use disorder treatment, employment/education supports, etc.) are designed to foster independent living skills, connecting people to community-based healthcare, treatment, and employment services.[37] Rapid re-housing programs, which provide short-term limited rental assistance and services, aim to help people obtain housing quickly.[38] Rapid re-housing programs have three core components: (i) housing identification, finding housing that is decent, safe, and affordable after assistance ends, (ii) rent and move-in assistance, flexible in amount and duration based on individual

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[35] *See id.*

[36] *See id.*

[37] *See* The Alliance, *Permanent Supportive Housing* (Apr. 2023), https://perma.cc/9F2Z-9BN3.

[38] *See id.*

needs, and (iii) case management, connecting people to various services and support.[39]

Housing First does not require individuals to meet certain criteria, e.g., income, current or past substance use, history of victimization, or clean criminal records.[40] This approach also does not require individuals to have previously participated in other supportive services to qualify for housing, although services are offered.[41] This is because "[w]hen you're drowning, it doesn't help if your rescuer insists you learn to swim before returning to shore."[42]

Provision of housing and services works to end homelessness because it is what homeless people need and want. Petitioner's *amici* incorrectly assert that homeless people are unwilling to accept services and choose to remain unhoused. *See* Manhattan Institute Br. 8; Thirteen California Cities Br. 6. In a UCSF survey, nearly all of the approximately 3200 participants expressed interest in obtaining housing.[43] Ninety percent of those surveyed said a housing voucher limiting rental payment to 30 percent of their income would help end their homelessness and 70 percent said that

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[39] *See* The Alliance, *Rapid Re-Housing Works* (archived Mar. 27, 2024), https://perma.cc/5PLP-WPEE.

[40] *See* HUD, Office of Policy Development and Research, *Housing First Works* (2023), https://perma.cc/QCU9-CFF3.

[41] *See id.*

[42] Michael Kimmelman, *How Houston Moved 25,000 People from the Streets into Homes of Their Own*, N.Y. Times (June 4, 2022), https://perma.cc/ZU52-R3L4.

[43] *See* Kushel, *supra* note 15, at 73.

a $300–500 monthly rental subsidy would do the same.[44]

In addition to Housing First programs, services helping low-income people increase their earnings are also important. While income support programs such as Temporary Assistance for Needy Families ("TANF"), unemployment benefits, and Supplemental Security Income ("SSI") can help people weather economic crises, these programs have stringent requirements and may be inaccessible to homeless people.[45] Therefore, making existing TANF, unemployment compensation, and SSI accessible to homeless people is key, including by reducing the waiting period between applying for and receiving benefits. Further, localities have successfully prevented homelessness by reducing evictions and bolstering tenant protections. And work-training programs aimed at increasing earning potential, in addition to work support programs that provide childcare and transportation, can be impactful.

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[44] *See id.* *See also* RAND, *Unhoused Population Increased by 18 Percent in Three High-Priority Neighborhood in Los Angeles* (Jan. 26, 2023), https://perma.cc/HZ6Z-MRLU (90 percent of the 400 unhoused people surveyed indicated interest in receiving housing); Doug Bechet, *2023 Orange County Homeless Survey Presentation* 52, https://perma.cc/8RSZ-UKT4 (95 percent of those surveyed reported accepting or wanting services).

[45] *See* The Alliance, *Income Opportunity & Services* (archived Mar. 27, 2024), https://perma.cc/ZU9E-3FTP.

B. Providing Housing and Services Has Worked to Reduce Homelessness

Decades of research and evidence demonstrate that providing housing and services reduces homelessness.[46] For example, researchers analyzing four major randomized controlled trials to measure housing stability, among other factors, found that housing stability, measured either by the proportion of total days reported as stably housed or a proportion of the population in stable housing at the end of the trial period, was greater among those who received housing and services, when compared to those in the control group.[47] In addition, those receiving housing and services were two and half times more likely to be stably housed after 18–24 months.[48]

Another report reviewing twenty-six studies found that housing programs decreased homelessness by 88 percent and improved housing stability by 41 percent, as compared to Treatment First programs, which required persons to undergo psychiatric treatment and

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[46] *See, e.g.*, The Alliance, *Data Visualization: The Evidence on Housing First* (May 25, 2021), https://perma.cc/5VBM-82WU.

[47] *See* Jack Tsai, *Is the Housing First Model Effective? Different Evidence for Different Outcomes*, 110(9) Am. J. Pub. Health 1376, 1376–77 (2020), https://pubmed.ncbi.nlm.nih.gov/32783738.

[48] *See* Andrew Baxter, *Effects of Housing First Approaches on Health and Well-Being of Adults Who Are Homeless or At Risk of Homelessness: Systematic Review and Meta-Analysis of Randomised Controlled Trials*, 73(5) J. Epidemiol. Cmty. Health 379, 379–87 (2019), https://doi.org/10.1136/jech-2018-210981.

be substance free.[49] Evidence of the effectiveness of providing housing and services to reduce homelessness spans decades.[50]

Beyond these studies, several cities' experiences corroborate the efficacy of housing and services programs. Houston implemented a Housing First strategy, successfully reducing homelessness by 63 percent since 2011.[51] Specifically, Houston moved more than 25,000 people experiencing homelessness directly into apartments and houses, with the majority of them remaining housed after two years.[52] Ten years ago, homeless veterans in Houston waited, on

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[49] *See* Yinan Peng et al., *Permanent Supportive Housing with Housing First to Reduce Homelessness and Promote Health among Homeless Populations with Disability: A Community Guide Systematic Review*, 26(5) J. Pub. Health Mgmt. Prac. 404, 404–11 (2020), https://perma.cc/D9UU-KHKH.

[50] *See* Debra Rog et al., *Permanent Supportive Housing: Assessing the Evidence*, Psychiatric Services, 65(3) Psychiatric Servs. 287 (2014), https://doi.org/10.1176/appi.ps.201300261 (Review of seven randomized controlled trials and five quasi-experimental studies between 1995 and 2012 found that permanent supportive housing "reduced homelessness, increased housing tenure over time, and resulted in fewer emergency room visits and hospitalization."); Laura Kurtzman, UCSF, *Study Finds Permanent Supportive Housing is Effective for Highest Risk Chronically Homeless People* (Sept. 17, 2020), https://perma.cc/6YKS-HH8F (a randomized trial in Santa Clara, California found that 86 percent of the group receiving permanent supportive model remained housed for several years, compared to only a third of the control group, most of whom received housing and supportive services through the County when it implemented permanent housing programs during the study).

[51] *See* Kimmelman, *supra* note 42.

[52] *See id.*

average, 720 days to receive housing; currently, a homeless veteran in Houston waits, on average, 32 days.[53] Following Houston's model, Atlanta reduced its homeless population by 38 percent since 2020.[54]

Finally, the Department of Veteran Affairs ("VA"), with over 100,000 Housing Choice Vouchers nationwide, has reduced veteran homelessness by 52 percent since 2010.[55] The VA expanded its HUD-Veterans Affairs Supportive Housing (HUD-VASH) program, offering housing choice vouchers and services for homeless veterans.[56] In addition, the VA offers Health Care for Homeless Veterans, Contracted Residential Services, emergency shelter, Grant and Per Diem transitional housing, and Supportive Services for Veteran Families Rapid Housing.[57]

Amici Thirteen California Cities argue, without evidence, that Housing First does not work. *See* Thirteen California Cities Br. 18. The evidence above demonstrates the effectiveness of providing housing and services as a method to end homelessness.

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[53] *See id.*

[54] *See* Jillian Price, *Atlanta's Homeless Numbers Drop 38% in Survey,* Atlanta Journal-Const. (June 2, 2022), https://perma.cc/85QP-ZB6G.

[55] *See* Sean Liu, VA Homeless Programs*, VA's Implementation of Housing First over the Years* (Dec. 18, 2023), https://perma.cc/DW35-MAPG.

[56] *See* HUD, *HUD-VASH Vouchers* (Jan. 2, 2024), https://perma.cc/H6YX-2ZRR.

[57] *See* Liu, *supra* note 55.

Amicus Goldwater Institute dismissed Housing First by citing to San Francisco and Phoenix, cities facing extraordinary housing affordability issues, as failed examples. *See* Goldwater Institute Br. 16–17. Goldwater Institute argues that San Francisco built enough permanent supportive housing for every homeless person, *see id.* at 16, but that was in 2011.[58] Since 2010, median rent in San Francisco increased from $1,328 per month,[59] to $2,316 in 2022.[60] Currently, San Francisco has not built enough housing for homeless people and many vacant units while homeless people wait for many months for paperwork bottlenecks to resolve.[61] Similarly, Phoenix saw a 76 percent increase in rent prices since 2016.[62] San Francisco's and Phoenix's experiences do not support *amici* Goldwater Institute's position, but rather reflect the affordability crisis. Thus, the solution to San Francisco's and Phoenix's homeless problem is to embrace housing and services programs and implement them more effectively, not to reject them.

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[58] *See* Judge Glock, Cicero Inst., *Housing First Is a Failure*, (2022), https://perma.cc/BBT3-QDE5.

[59] *See* Bay Area Census, *San Francisco City & County* (2010), https://perma.cc/K92L-UW6N.

[60] *See* U.S. Census Bureau, *QuickFacts, San Francisco* city, *Cal.* (2023), https://perma.cc/QM7Z-M8ED.

[61] *See, e.g.*, Nuala Bishari, *In San Francisco, Hundreds of Homes for the Homeless Sit Vacant*, ProPublica (Feb. 24, 2022), https://perma.cc/2JHH-C3BY.

[62] *See* Lauren Clark, *Price-Fixing Conspiracy Artificially Jacked up Apartment Rent Prices in Phoenix and Tucson, Arizona AG Says*, Fox10Phoenix.com (Feb. 28, 2024), https://perma.cc/E8RJ-XDRM.

Amici also recognize that homeless individuals are more likely to suffer from mental illness and substance abuse, but suggest the solution to these issues lies with criminalization of homelessness. *See, e.g.*, Thirteen California Cities Br. 19–22. Local governments do not need to resort to criminalization. The research speaks for itself: providing housing and services is an effective solution and should replace the status quo of fines and jail sentences.

C. Communities Can Creatively Match Federal Funding with State and Local Dollars to End Homelessness

Petitioner's *amici* further claim they lack resources to implement housing and services programs, *see, e.g.*, League of Oregon Br. 19; City of Phoenix Br. 21, but financial resources and technical assistance are available to assist local governments. For example, in 2023, HUD awarded grants to 62 communities for homelessness programs and services targeting those in unsheltered settings and in rural areas, including $486 million for permanent housing programs and related services, and $45 million for housing vouchers to public housing agencies.[63]

HUD reported offering more than $1.25 billion through its 2021 Continuum of Care competition awards to promote community-wide commitment to ending homelessness, $1.3 billion through CARES Emergency Solution Grants for housing, shelter, and

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[63] *See* HUD, *HUD Releases $50 Million to Address Youth Homelessness & New Assistance to Improve Housing Placements for People Experiencing Homelessness and Resolve Encampments* (Nov. 8, 2023), https://perma.cc/35JY-4CUG.

outreach services, and $1.5 billion for the HOME American Rescue Plan Program.[64] HUD also has a Youth Homelessness Demonstration Program designed to reduce the number of youths experiencing homelessness.[65] From 2016 to 2022, over one hundred communities received funding from this program.[66] In fiscal year 2022 alone, fifteen communities received a total of $60 million.[67] While this list is not exhaustive, these examples demonstrate that communities can match federal funding with state and local resources to end homelessness.

And significant federal resources exist to help localities tackle the issue of affordable housing more generally. HUD's Housing Choice Voucher and Community Development Block Grant programs provide housing assistance in the form of federal funds to low-income tenants and local communities, respectively.[68] The Department of Treasury, under the current administration, gave over $50 billion in State and Local

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[64] *See* HUD, *Fact Sheet: One-Year Anniversary of HUD's 'House America' Initiative to Address Homelessness* (Sept. 20, 2022), https://perma.cc/M6U6-DJQX.

[65] *See* HUD, *Youth Homelessness Demonstration Program* (Mar. 8, 2024), https://perma.cc/C4EH-5BUG.

[66] *See* HUD, *Map of YHPD Communities Receiving Funding* (2024), https://perma.cc/35JY-4CUG.

[67] *See id.*

[68] HUD, *Housing Choice Vouchers Fact Sheet* (archived Apr. 1, 2024), https://perma.cc/CPP8-F3DU; HUD, *Community Block Development Program* (Mar. 8, 2024), https://perma.cc/T77Y-WGXS.

Fiscal Recovery Funds for housing development, rental assistance, and other housing services.[69]

Finally, HUD offers technical assistance to provide resources and support for recipients of HUD funding, including trainings, program assistance, and information.[70]

In addition to the federal government, many nonprofits, including the many organizations supporting Respondents, are available to assist. For example, the Alliance provides technical assistance via its Center for Learning, and Enterprise via its local offices, rural and tribal teams, and Advisors team. In addition, philanthropic institutions, like members of Funders Together, provide grantmaking for homelessness programs and solutions. And to the extent more resources are needed to solve homelessness, the better solution is to petition for state and federal governments for additional support, not to punish the victims of homelessness.

D. There Are Better Alternatives to Address Petitioner and Amici's Claims of Health and Safety Concerns

Contrary to assertions by Petitioner's *amici*, local governments can address the purported public health and safety concerns without resorting to criminal punishment. Many constitutional, low-cost alternatives exist.

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[69] *See id.*

[70] *See* HUD, *Request Program Assistance* (archived Mar. 27, 2024), https://perma.cc/JFG5-B8NN.

For example, providing greater access to public toilets would ameliorate the expressed concerns about public urination and defecation. Arranging access to handwashing and shower facilities—whether stationary or mobile—can address hygiene concerns. For the many homeless individuals sleeping in their cars, access to a safe, centralized place to park at night not only offers enhanced security, but facilitates access to case management services.[71] Many avenues short of criminalization plainly exist to address public health and safety concerns.

Furthermore, nothing in the Ninth Circuit's holdings in *Grants Pass* or *Martin* prevent local governments from enacting and enforcing laws that prohibit dangerous conduct. The Ninth Circuit held that "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property." *Martin*, 920 F.3d at 617. This holding concerns only criminalization of sleeping outdoors on public property—the involuntary status of being homeless—and says nothing about harmful conduct. *See id.* The Ninth Circuit further limited its holding to ordinances enforced against homeless individuals who take the most rudimentary precautions to protect themselves from the elements, when no sheltered sleeping space is available. *See id.* at 618. The Ninth Circuit repeated the same narrow holding in *Grants Pass*, 72

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[71] *See, e.g.*, Cal. State Univ., Sacramento, *Addressing Unsheltered Homelessness in California: Spotlight on Emerging Models Funded by the Homeless Emergency Aid Program* 17–20 (2021), https://perma.cc/FR3B-TKHK.

F.4th at 891 ("City cannot enforce its anti-camping ordinances to the extent they prohibit 'the most rudimentary precautions' a homeless person might take against the elements.").

Thus, it is disingenuous for Petitioner and its *amici* to argue they cannot punish dangerous conduct associated with homeless people under *Martin* and *Grants Pass*. *See* Brentwood Community Council Br. 13–17; City of Chico Br. 32–33; City of Phoenix Br. 16; Office of San Diego County District Attorney Br. 17–19. Grants Pass and other localities remain free to enforce regulations, including criminal punishment for dangerous *conduct*. What they cannot do is criminalize the very existence of people within their borders who cannot afford housing and have nowhere else to go.

III. CRIMINALIZATION OF HOMELESSNESS IS NOT AN EFFECTIVE SOLUTION

Petitioner and its *amici* seek to use criminal penalties as a weapon against homelessness. Without the so-called "stick" of criminal penalties—so the argument goes—these *amici* argue they cannot force homeless people to take the "carrot" of services and treatment.[72] *See, e.g.*, Brentwood Community Council Br. 11. Criminalization of the status of involuntary homelessness, however, is unconstitutional for the reasons set forth above; lacks any meaningful deterrence effect given that homelessness is involuntary; and is furthermore ineffective, counterproductive, and

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[72] This argument, moreover, incorrectly assumes that services and treatment are available to all who want it.

a poor use of public funds. In reality, the "stick" is just that: a blunt instrument capable of harming homeless people, but not much else.

A. When Implemented, Criminalization Policies Have Not Reduced Homelessness

Criminalizing the status of homelessness does not address the root causes of the issue. Grants Pass's ordinances at most reduce visible homelessness by moving people out of the public's sight, resulting in "temporary displacement" of homeless people, who may even return once the threat of enforcement abates.[73] Ordinances like those in Grants Pass, moreover, lack any real deterrent effect given that homelessness—as well as sleeping outside while homeless—is involuntary, as set forth in Section I.A, *supra*.[74]

Los Angeles provides a useful case study in criminalization efforts.[75] Approximately 46,000 Los

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[73] *See* NHLC, *supra* note 7, at 63–64.

[74] *See* Hannah Lebovits & Andrew Sullivan, *Do Criminalization Policies Impact Local Homelessness? Exploring the Limits and Concerns of Socially Constructed Deviancy* (Jan. 2024), https://ssrn.com/abstract=4716230 (finding the "passage of a criminalization ordinance does not statistically relate to a decrease in the number of people counted as homeless in the years following the ordinance").

[75] *Amici* offer this example as a general illustration of the efficacy of criminalization policy. The Los Angeles ordinance is distinct from the Grants Pass ordinances in that the former forbids "sitting, lying, or sleeping" only in certain designated areas, rather than in all public spaces, and provides that no violations shall be found unless signage providing notice of enforcement is posted in (...continued)

Angeles residents, and approximately 75,000 in Los Angeles County, are homeless—a number that continues to grow.[76] In 2021, Los Angeles passed a city ordinance that banned camping in certain designated areas.[77] In 2023, the Los Angeles Homeless Services Authority ("LAHSA") analyzed the impact of the ordinance and concluded that it was "generally ineffective in permanently housing individuals," and did not even accomplish the purpose of clearing encampments.[78] The report led one City Councilmember to denounce the ordinance as a "complete and total failure," explaining, "we know that encampments swept with 41.18 nearly always return, and we spend millions of dollars every year on this ineffective criminalization of homelessness."[79]

B. Criminalization Prolongs Homelessness and Exacerbates the Problem

Criminalizing the involuntary status of homelessness is not only ineffective but will worsen the

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the designated area 14 days in advance. *See* L.A. Mun. Code § 41.18.

[76] *See* LAHSA, *Results of 2023 Greater Los Angeles Homeless Count* (June 30, 2023), https://perma.cc/54VK-9LAK.

[77] *See* David Zahniser & Benjamin Oreskes, *L.A. Finalizes Its Anti-Camping Law, Setting the Stage for Vote-by-Vote Enforcement*, L.A. Times (July 28, 2021), https://perma.cc/JNG5-4HJ3.

[78] LAHSA, *L.A. Mun. Code § 41.18 Effectiveness Report* 1, 5 (Nov. 28, 2023), https://perma.cc/LYX9-XD96.

[79] *See* Nick Gerda, *Hidden City Report Finds LA Council's Signature Anti-Encampment Law Is Failing*, LAist (Mar. 2024), https://perma.cc/QLL3-2SDH.

homelessness crisis. *See* Resp'ts Br. 29–31. The overwhelming majority of homeless individuals are only homeless temporarily.[80] Criminalizing this predicament, however, will make it more difficult for it to be resolved on its own.

First, fines, whether civil or criminal, worsen the already dire financial circumstances of individuals experiencing homelessness.[81] Homeless individuals sleep outside involuntarily because they cannot afford housing. Multiple individuals in Grants Pass averred that they cannot pay the fines and observed that the fines had grown due to non-payment. J.A. 134, 181. Criminalization of involuntary homelessness creates tangible financial barriers for homeless individuals to get themselves back on their feet.[82]

Second, criminalizing homelessness can prolong it. Criminal convictions hamper efforts to secure employment, housing, or government benefits.[83] Time spent in jail or navigating the criminal justice system is time that individuals experiencing homelessness could otherwise be earning income.[84] Homelessness and

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[80] *See* Krivkovich, *supra* note 12 (more than 70% of individuals experience homelessness for only weeks or months); Robert Polner, *The 12 Biggest Myths about Homelessness in America* (Sept. 29, 2019), https://perma.cc/Y8AG-EV66 ("Most 'self-resolve,' or exit homelessness within a few days or weeks ….").

[81] *See* NHLC, *supra* note 7.

[82] *See* Chris Herring et al., *Pervasive Penalty: How the Criminalization of Poverty Perpetuates Homelessness*, 67(1) Soc. Probs. 131, 142–43 (2019), https://doi.org/10.1093/socpro/spz004.

[83] *See* NHLC, *supra* note 7, at 64.

[84] *See id.*

incarceration amount to a feedback loop: "homelessness is a risk factor for criminal justice involvement (including incarceration), and criminal justice involvement (including a history of incarceration) is a risk factor for homelessness."[85]

Third, criminal enforcement stokes distrust of authority among homeless people and hampers outreach efforts. The threat of criminal penalties predictably leads homeless individuals to avoid police or other government officials.[86] And the threat of enforcement can push homeless individuals out of sight, into isolated and potentially dangerous areas—"along train tracks, along or under freeways, behind industrial buildings, on construction sites or empty lots, and deep in forested creeks and hills"—away from even well-intentioned outreach efforts.[87] Criminalizing homelessness does more harm than good.

C. Criminalization Is an Ineffective Use of Public Dollars; Housing and Services Programs Are More Effective

The costs associated with enforcing criminalization can add up quickly. A Denver study concluded

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[85] Dallas Augustine & Margot Kushel, *Community Supervision, Housing Insecurity, and Homelessness* 701(1) Ann. Am. Acad. Pol. Soc Sci. 152, 152–53 (Dec. 2022), https://doi.org/10.1177/00027162221113983.

[86] *See* NHLC, *supra* note 7, at 65.

[87] Jamie Suki Chang et al., *Harms of Encampment Abatements on the Health of Unhoused People*, 2 SSM Qualitative Rsch. Health 100064, at 5 (2021), https://doi.org/10.1016/j.ssmqr.2022.100064.

that each citation for behaviors associated with homelessness—like panhandling, camping, and violating park curfews—cost the city an average of nearly $650, between policing costs, adjudication, and incarceration.[88] Over four years, six Colorado cities collectively spent an estimated $5 million enforcing similar laws.[89] A study concerning similar ordinances in Seattle and Spokane estimated that the two cities spent a total of approximately $3.7 million over a five-year span between policing, adjudication, and incarceration.[90]

Other jurisdictions spent more than that. In 2015, Los Angeles spent $87 million on law enforcement costs associated with homelessness.[91] Salt Lake City spent $67 million on a large-scale campaign to arrest homeless people.[92] Given that criminalizing homelessness is ineffective and exacerbates the issue, policing homelessness is a poor use of public funds. These expenditures do little to address the underlying root causes of homelessness—or to reduce the strain on emergency services by unsheltered homelessness—and are likely to make matters worse.

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[88] *See* Nantiya Ruan et al., Univ. of Denver, *Too High a Price: What Criminalizing Homelessness Costs Colorado* 25–27 (2018), https://ssrn.com/abstract=3169929.

[89] *See id*. at 27.

[90] *See* Joshua Howard et al., Seattle Univ., *At What Cost: The Minimum Cost of Criminalizing Homelessness in Seattle and Spokane* 5 (2015), http://ssrn.com/abstract=2602530.

[91] *See* NHLC, *supra* note 7, at 71.

[92] *See id*.

The broader societal costs of homelessness, moreover, are substantial. Estimates vary, but available data indicate that chronically homeless individuals cost the public $35,000 to $40,000 per year.[93] Other estimates are far higher.[94] The costs are primarily traceable to policing and incarcerating homeless individuals, and providing medical services in emergency rooms.[95]

In contrast to criminalization, Housing First approaches tend to reduce these costs. For example, a 2018 study in Denver examined the number of hours police spent on homelessness-related offenses for a subset of 2,181 homeless individuals.[96] The study concluded—comparing a subgroup of homeless

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[93] *See* The Alliance, *Ending Chronic Homelessness Saves Taxpayers Money* (Feb. 2017), https://perma.cc/Z9TE-CQKX; Anirban Basu et al., *Comparative Cost Analysis of Housing and Case Management Program for Chronically Ill Homeless Adults Compared to Usual Care,* 47 Health Servs. Rsch. 523, 536 (2012), https://pubmed.ncbi.nlm.nih.gov/22098257 ($37,506).

[94] *See* Lavena Staten et al., *Penny Wise But Pound Foolish: How Permanent Supportive Housing Can Prevent a World of Hurt* 6 (2019), https://ssrn.com/abstract=3419187 ($83,000).

[95] *See* The Alliance, *Ending Chronic Homelessness Saves Taxpayers Money*, *supra* note 93. Further, if philanthropic organizations must invest in programs other than the evidence-based ones in which they currently invest, critical resources would be diverted away. Philanthropy funding is also not available equally across the country, which could result in funding disparities in communities that need the funding the most.

[96] Urban Inst., *Policing Doesn't End Homelessness. Supportive Housing Does* (Oct. 25, 2022), https://perma.cc/P9Q7-29E8. Denver had 5,317 homeless people in 2018. HUD, *PIT and HIC Data Since 2007* (2023), https://www.hudexchange.info/resource/3031/pit-and-hic-data-since-2007/.

individuals provided with housing to a control group—that providing the entire group with supportive housing could reduce the number of hours spent policing them by half.[97] Permanent supportive housing also has proven to reduce both the frequency and length, and thus the cost, of hospital visits.[98]

The per-person cost of housing programs is relatively low and cost-effective: although some variance exists, one study concluded that the median cost of intervention was approximately $16,479, in contrast to median total benefits of $18,247, with a benefit-to-cost ratio of 1.80:1.[99] A wealth of studies confirm that the cost of providing homeless individuals with supportive housing is at least the same as the status quo—with the obvious benefit of reducing human suffering for formerly homeless individuals—which more likely than not reduces overall societal costs and improves the quality of life for everyone.[100]

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[97] *See id.*

[98] *See* NHLC, *supra* note 7, at 73.

[99] *See* Verughese Jacob et al., *Permanent Supportive Housing with Housing First: Findings from a Community Guide Systematic Economic Review*, 62(3) Am. J. Prev. Med. e188, e193–94 (2022), https://pubmed.ncbi.nlm.nih.gov/34774389/.

[100] *See id.* at e194–95. *See also* Staten, *supra* note 94, at 28 & n.197 (collecting 13 studies presenting cost-savings ranging from $36,579 to $944 per year); NHLC, *supra* note 7, at 72 (collecting studies demonstrating cost savings due to reductions in arrests and emergency room visits, including annual per-person savings of $21,000, $14,700, and $9,339).

CONCLUSION

The data is clear: criminalizing homelessness is expensive and does little to solve the issue. Providing supportive housing and services is a cost-effective strategy for the taxpaying public and actually reduces homelessness. The claims by Petitioner and *amici* that the Ninth Circuit's decision below keeps them from meaningfully addressing homelessness ignore that criminalization does not, in fact, work while housing and services programs do. For the reasons stated above and in Respondents' brief, the Court should uphold the Ninth Circuit's decision in *Grants Pass*.

Respectfully submitted,

Lauren Willard Zehmer
Counsel of Record
Silvia W. Wu
John K. Heise
Esaú Abdiel Ruiz
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001
LZehmer@cov.com
(202) 662-6000

Counsel for Amici Curiae

April 3, 2024