



The Law Project of CCH:
Grants Pass v. Johnson
Supreme Court Decision



**Chicago
Coalition to end
Homelessness**

About Us

Since 1980, Chicago Coalition to End Homelessness (CCH) has advocated for a world where everyone has a safe, welcoming, and permanent place to call home.

Our Mission is building community power and advances racial equity through organizing, advocacy, legal assistance, and education to prevent and end homelessness because housing is a **human right**.

OUR WORK

ISSUES WE TAKE ON:

- Housing Justice
- Educational Rights
- Public Benefits
- Civil Rights
- Racial Equity
- Reentry
- Youth Homelessness

HOW WE DO IT:

- Policy & Budget Advocacy
- Organizing
- Legal Aid
- Community Education & Outreach
- Data and Research



About the Law Project

CCH's Law Project was launched in 1997, and is the only legal aid program in Illinois exclusively focused on the needs of people experiencing or at risk of homelessness.



Our Youth Futures Mobile Legal Clinic serves students and unaccompanied youth through age 24.



About the Law Project

We represent clients with varied legal needs including educational rights, public benefits, family law, housing, criminal records relief, and accessing identification documents.

The Law Project also manages a college scholarship program, the Illinois Homeless Youth Handbook, and Streetlight Chicago, an app and website for unstably housed young people.





Community Outreach

The Law Project's Outreach Work

Shelters

Drop-in centers

Schools

Street outreach

Community Outreach



***Grants Pass v. Johnson* is the most significant Supreme Court case about homelessness in four decades.**

Johnson v. Grants Pass is a court case originally filed in 2018 that determined it is cruel and unusual punishment to arrest or ticket people for sleeping outside when they have no other safe place to go. The case started in Grants Pass, Oregon when the city began issuing tickets to people sleeping in public, even when there were not enough safe, accessible shelter beds.

A lower federal court ruled that punishing people for doing something they cannot help is cruel and unusual punishment. *“As long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter,”* the Ninth Circuit Court of Appeals wrote. Grants Pass appealed the ruling up to the Supreme Court

On April 22, 2024, the Supreme Court of the United States heard the case of *Johnson v. Grants Pass*. On June 28th, a decision was announced: ***people experiencing homelessness can be arrested and fined for sleeping outside when there are no safe alternatives.***

Grants Pass v. Johnson Decision

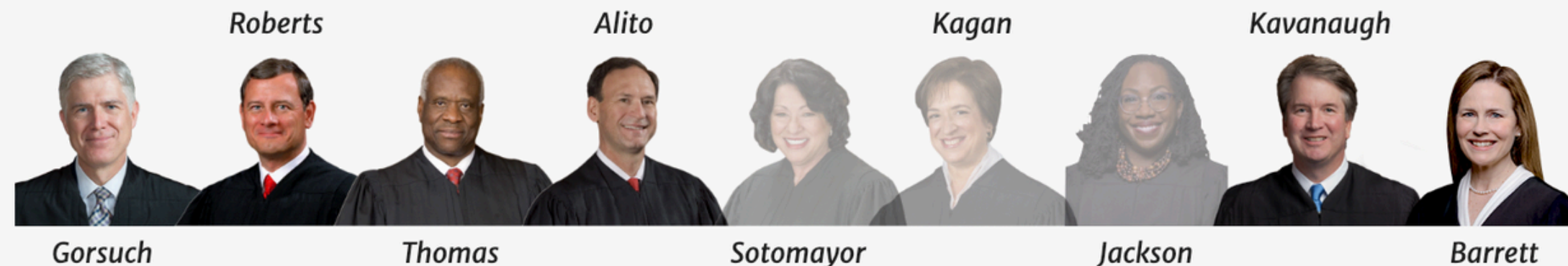
[Oyez Overview](#)

Conclusion

6-3 DECISION FOR CITY OF GRANTS PASS

MAJORITY OPINION BY NEIL GORSUCH

The enforcement of generally applicable laws regulating camping on public property does not constitute “cruel and unusual punishment” prohibited by the Eighth Amendment.

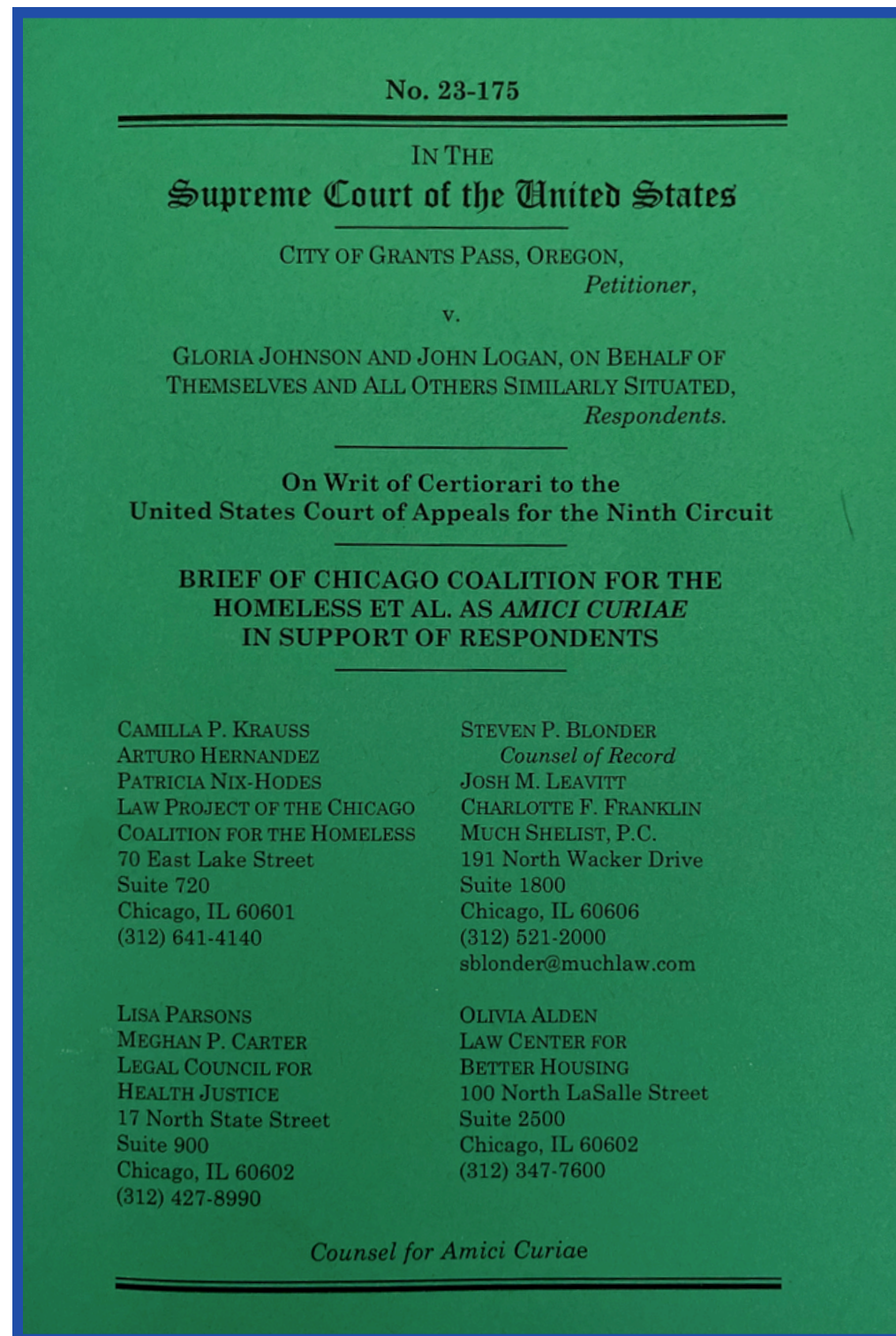


Held: The enforcement of generally applicable laws regulating camping on public property does not constitute “cruel and unusual punishment” prohibited by the Eighth Amendment.

Reasoning: Cities have faced numerous challenges in determining who qualifies as “involuntarily” homeless and what constitutes “adequate” shelter under *Martin*. These judicially created standards have proven unworkable and have interfered with local efforts to address homelessness, ultimately undermining the democratic process and federalism principles.



Our Amicus Brief Involvement



We, pro bono partner Much Shelist, and other legal aid partners filed an amicus brief on behalf of 27 Chicago and Illinois organizations, raising the importance of the case and the impact on people experiencing homelessness in Chicago and Illinois.

Much Shelist attorneys Steven Blonder, Josh Leavitt, and Charlotte Franklin were instrumental in drafting the brief. We were honored to submit an amicus brief for this case alongside these organized advocacy efforts.



Coordinating Advocacy

Thanks to large national organizing efforts the National Homelessness Law Center, over 1,000 organizations and public leaders filed more than 40 amicus briefs (amici) in support of Gloria Johnson and homeless rights in the landmark *Johnson v. Grants Pass* Supreme case. These amici opposed the use of arrest and fines to address homelessness.

Among them were public health professionals, domestic violence advocates, homeless veterans organizations, food banks, Tribal advocacy organizations, elected officials, and crucially - persons with lived experience of homelessness themselves.

Arguments We Made

- Laws like Grants Pass would be like a death sentence if imposed in Illinois because of our extreme weather.
- Homelessness is a pervasive crisis nationally. In Illinois & Chicago nearly 120,000 people experience homelessness annually, a number that is likely underinclusive of those not physically present when a survey is conducted for a variety of reasons.
- Homelessness has a disparate impact on youth, disabled individuals, and people of color. Approaches to the crisis must also address the underlying systemic inequalities that create such disparities.
- Alternative approaches, such as increasing affordable housing, increasing access to support services, providing legal counsel for those facing evictions & other services being employed in Illinois have yielded promising results in combatting homelessness.
- Ordinances that encourage fines & jail time for those experiencing homelessness are counterproductive approaches that creates grave health and safety concerns, and severely harms those experiencing homelessness.



State of Illinois's Amicus Brief

The state of Illinois also submitted an amicus brief alongside Maryland, Massachusetts, Minnesota, New York, and Vermont.

What did they say?

- Housing-First is the most effective way to address homelessness.
- Criminalization is costly, ineffective, and cruel.
- Encampments often offer a level of security, stability, and access to resources that homeless residents cannot find elsewhere.
- Efforts to clear encampments often destroy the identification papers, cellphones, laptops, and other items that people would use to find employment or housing.
- Sweeps re-traumatize people who have experienced a lifetime of trauma



We Know Why Criminalization Is Wrong

Criminal enforcement-based strategies “are ineffective, expensive, and actually worsen the tragedy of homelessness.” - United States Interagency Council on Homelessness

“There is a better way to respond to this crisis.”

Cruel

This approach will “result in adverse health outcomes, exacerbate racial disparities, and create traumatic stress, loss of identification and belongings, and disconnection from much-needed services.” Additionally, it becomes harder for local government staff to build trust and connect people to shelter and permanent supportive housing.

Ineffective

Data proves just how ineffective punishing homelessness is. In fact, not only is criminalization unhelpful, but it also perpetuates homelessness by erecting more barriers against escaping the cycle of poverty.

Expensive

One recent study found that government investment in supportive housing reduced average monthly spending by 47% per person, compared to criminalization, even after including the cost of providing housing.

Punishing Poverty Makes No Sense

Lack of Affordable Housing Is the Problem

- Only 34 affordable and available rental homes exist for every 100 extremely low-income renter households.
- There is no state or congressional district with enough affordable homes for its lowest-income renters.
- Nationally, poor families only received twenty-two cents on the dollar for federal welfare funds meant to alleviate poverty in 2022.
- In 2023, 8.53 million households were reported to be struggling with worst-case housing needs: specifically, renter households with very low incomes and without government housing assistance who pay more than one-half of their income toward rent, live in severely inadequate conditions, or both.
- HUD's \$70 billion agency wide budget today constitutes less than one-quarter of the \$300 billion inflation-adjusted dollars it would require to provide the same services to the same number of people as it did with only the \$55.6 billion in its 1976 housing assistance budget.



What comes next?

As cities rush to criminalize homelessness, advocates remain consistent and steadfast in the well-founded conclusion that ***criminalization only serves to exacerbate homelessness.***

Some municipalities in Illinois that have already moved to adopt or have adopted similar ordinances:

-  Troy
-  Morton
-  Pekin
-  Rosemont
-  Alton

Since the ruling, a number of municipalities in Illinois have passed or proposed new camping bans that levy the possibility of fines, tickets, or jail time against unhoused residents.



Cities in Illinois Pass Anti-Camping Ordinances

Under the Pekin ordinance, putting up a tent or simply sleeping on a park bench with something like a blanket could be a violation of their ordinance. The penalties start with a fine up to \$100, and if within 30 days of that initial violation they violate again they will be subject to a fine of up to \$500. Each violation constitutes a separate offense.

Under the Rosemont ordinance, if a person sleeps on a park bench with even the simplest bedding, they not only risk getting a fine, but this ordinance also provides an avenue for possible jail time if they get 6 or more violations within a 24-month period (up to 6 months in jail).



Illinois Bill of Rights for the Homeless Act

In 2013, CCH successfully advocated for the passage of the Illinois Bill of Rights for the Homeless Act, which provides protections to prevent discrimination of people without a fixed or regular residence.

The intent of the Act is to “lessen the adverse effects and conditions caused by the lack of a residence or a home” and recognizes that many people in Illinois “have been rendered homeless as a result of economic hardship, a severe shortage of safe and affordable housing, and a shrinking social net.” 775 ILCS 45/5.

It is the longstanding policy of Illinois that “no person should suffer unnecessarily from cold or hunger, be deprived of shelter or the basic rights incident to shelter, or be subject to unfair discrimination” based on their homeless status.” 775 ILCS 45/5.

Illinois Bill of Rights for the Homeless Act

- The Act provides that people experiencing homelessness have “**the right to use and move freely in public spaces**, including but not limited to public sidewalks, public parks, public transportation, and public buildings, in the same manner as any other person and without discrimination on the basis of his her or housing status.” 775 ILCS 45/10(a)(1).
- The Act also provides **the right to equal treatment by all state and municipal agencies, without discrimination on the basis of housing status**, 775 ILCS 45/10(a)(2). In addition, people experiencing homelessness have the **right to a “reasonable expectation of privacy in his or her personal property** to the same extent as personal property in a permanent residence.” 775 ILCS 45/10(a)(7).



What Proponents of Criminalization Ordinances Are Arguing

City attorney for Springfield said their proposed ordinance didn't punish the status of being homeless and that it was "equally applicable to individuals without regard to their housing status."

However, with several ordinances, we are already seeing hypotheticals floated suggesting selective enforcement and discriminatory carve-outs that make clear these measures target unhoused folks.

- Example: [concert camping in Rosemont](#)
- Discriminatory and selective enforcement could violate the Illinois Bill of Rights for the Homeless

Direct Modeling Off Ordinance from Grants Pass

- City attorney for Springfield said that the template was drafted using the recent Supreme Court decision, "Grants Pass (Oregon) v. Johnson," and several other templates, including one from the [Illinois Municipal League \(IML\)](#).

"If No One Else Acts, We Will" attitudes, directed at state and federal government

- This is not the effective or right path towards grappling with homelessness



Where Our Focus Is Now

- Exploring state legislation that would limit criminalization, including strengthening the Bill of Rights for the Homeless Act.
- Collaborating with state and national partners
- Looking into the Illinois Municipal League's Ordinance template
- Exploring best messaging for local advocates to combat the implementation of these ordinances, disseminating these talking points in toolkits to community members
- Exploring ways to disseminate information about Grants Pass to people experiencing homelessness



Questions?

The ALTON HOUSING COALITION

Housing Matters Conference

18 October 2024



INTRODUCTIONS

TRUDY BODENBACH
OSF St. Anthony's

PETER HOUGH
Alton Mission



ALTON
Coordinated
Response Team

ORIGIN STORY

HOW WE BUILT MOMENTUM

- Overnight Warming Locations
- Alton Housing Coalition
- City Shapers
- Crisis Response Team



ALTON
Coordinated
Response Team

THE ORDINANCE

TIMELINE 2023

- August 23: Introduced at City Council
- September: 1-on-1s and 2 layovers
- October 6-9: Stakeholder meeting, Mayor's Ball, and Committee of the Whole
- October 19-November 20: Collaboration
- November 22: Passage



ALTON
Coordinated
Response Team

THE ORDINANCE

KEY CHANGES

- Multiple contacts required
- Protections for property
- Open door for community involvement
- Fines reduced | Community service option

For text of Alton ordinance: peter.andrew.hough@gmail.com



ALTON
Coordinated
Response Team

THE ORDINANCE

IMPACT

- Increased displacement
- Increased social isolation
- Decreased trust

All this with “no enforcement”



ALTON
Coordinated
Response Team

HOW TO RESPOND

1. IMPLEMENT AN OUTREACH STRATEGY

- Start now!
- Homeless Outreach Team
- Coordinated Response Team

For HOT/CRT Manual: Trudy.E.Bodenbach@OSFHealthcare.org



ALTON
Coordinated
Response Team

HOW TO RESPOND

2. MOBILIZE EVERYDAY PEOPLE

- 250 OWL volunteers
- Invite everyone
- Train everyone
- Build proximity



ALTON
Coordinated
Response Team

HOW TO RESPOND

3. TELL A BETTER STORY

- Shape the narrative
- Name the values
- Set realistic expectations



ALTON
Coordinated
Response Team

HOW TO RESPOND

4. BUILD INFLUENCE

- Do a power analysis
- Build a coalition
- Select a champion
- Design the collaboration

For organizing templates: peter.andrew.hough@gmail.com



ALTON
Coordinated
Response Team

RESOURCES

- **Illinois State Police Homelessness Guidebook**
<https://isp.illinois.gov/Director/ResponseToHomelessnessGuidebook>
- **By Name List – Case Conferencing**
<https://community.solutions/quality-by-name-data>
- **CRT Homeless Outreach Teams Manual**
Trudy.E.Bodenbach@OSFHealthcare.org
- **Community Organizing and Collaboration**
peter.andrew.hough@gmail.com



ALTON
Coordinated
Response Team

The ALTON HOUSING COALITION

Housing Matters Conference

18 October 2024





City of Grants Pass, Oregon v. Johnson

CCH Amicus Brief Involvement

CCH, alongside 27 partner organizations, filed an amicus brief in the case, raising the importance of the case and the impact on people experiencing homelessness in Chicago and Illinois. CCH joined the National Homelessness Law Center and hundreds of other organizations that submitted more than 40 amicus briefs in support of people experiencing homelessness.

City of Grants Pass, Oregon v. Johnson Decision

In *Grants Pass v. Johnson*, the U.S. Supreme Court said cities can penalize people for sleeping outdoors, even if they just have even a blanket to stay warm, and when they have nowhere else to go.

Why? They found that these types of punishment do not constitute “cruel and unusual punishment” in violation of the 8th Amendment of the U.S. Constitution. The U.S. Supreme Court decided that the ordinances criminalizing homelessness were not cruel because they were not intended to add pain, terror, or disgrace and that they are not unusual because fining people is a common way to punish offenses in this country. The U.S. Supreme Court said lack of adequate or available shelter space for those affected by these type of ordinances does not affect a city’s power to enact and enforce these laws.

Implications of Grants Pass

The Grants Pass decision allows cities to pass ordinances penalizing people for sleeping outdoors with even simple bedding, such as a blanket, even if the cities do not have any available shelter space or any place else for them to sleep. After Grants Pass, cities do not have to provide shelter, housing, or services before imposing penalties. Nothing in the decision requires cities to pass ordinances that criminalize homelessness.

What comes next?

As cities rush to criminalize homelessness, advocates remain consistent and steadfast in well-founded assertions that criminalization only serves to exacerbate homelessness.



City of Grants Pass, Oregon v. Johnson

We have seen cities in Illinois pass anti-camping ordinances after the Grants Pass decision.

For example, Pekin, Illinois (passed in July) and Rosemont, Illinois (passed in August) recently passed anti-camping ordinances. Under the Pekin ordinance, putting up a tent or simply sleeping on a park bench with something like a blanket could be a violation of their ordinance. The penalties start with a fine up to \$100, and if within 30 days of that initial violation they violate again they will be subject to a fine of up to \$500. Each violation constitutes a separate offense.

Under the Rosemont ordinance, if a person sleeps on a park bench with even the simplest bedding, they not only risk getting a fine, but this ordinance also provides an avenue for possible jail time if they get 6 or more violations within a 24-month period (up to 6 months in jail). However, some of these ordinances have also included places for exclusions and some local leaders have signaled that the ordinance would not be enforced for behaviors such as concert camping.

Some municipalities in Illinois that have already moved to adopt or have adopted similar ordinances:

-  Troy
-  Morton
-  Pekin
-  Rosemont
-  Alton

The Grants Pass decision does not mean that cities have to or should implement these sorts of ordinances.

We want local municipalities to know that criminalization has proven itself to be ineffective, cruel, expensive, and to even exacerbate chronic homelessness.

While social programs and services have yielded promising results, the ultimate, permanent solutions are to establish sufficient affordable housing and necessary social services. Until that happens nationwide - city, and local governments punishing people experiencing homelessness is a counterproductive approach, creating grave health and safety concerns.

HOUSING IS A HUMAN RIGHT.

Chicago Coalition 
to end Homelessness