

# HOUSING NOT HANDCUFFS

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## e-news update

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Summer 2020

**Dear Supporters and Endorsers of the Housing Not Handcuffs Campaign,**

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#HNH  

Thank you so much for your continued support. The country continues to be ravaged by the COVID-19 pandemic. We have seen unprecedented social distancing, widespread shut-down of schools and non-essential businesses, and significant uncertainty. Across the country, eviction moratoria—which do nothing to abate the rent ultimately owed—are now expiring. Meanwhile, some communities are [placing people](#) experiencing unsheltered homelessness in hotel rooms, as recommended by the CDC; some are buying hotels and converting them to affordable housing, contributing to longer term solutions. But others are continuing punitive policies [such as sweeps](#)—in direct contravention of CDC guidance—risking the health and safety not only of those who are “swept” but entire communities.

If you have submissions for the next newsletter, please fill out [this Google form](#) **by September 9th.**

In June, the House passed the HEROES Act, incorporating the [Emergency Rental Assistance Act and Rental Market Stabilization Act](#), which would help block the tsunami of homelessness coming our way, but the Senate just adjourned without addressing the expiring eviction and foreclosure moratorium and unemployment insurance benefits. Call your Senators today to demand they include the full range of housing and homelessness provisions in any final stimulus bill.

[Keep encouraging your friends, colleagues, and elected officials to endorse.](#) Please check out our

new COVID-19 page at [nlchp.org/coronavirus](https://nlchp.org/coronavirus) for recommendations and resources. Be on the look out for future communications from the campaign.

## Campaign Updates

### Litigation Successes

Several positive litigation rulings in recent months have helped to clarify the impact of the *Martin v. Boise* decision and the CDC guidance stating no sweeps of homeless encampments should take place unless people can be placed into individual housing units.

In *Sacramento Homeless Union v. City of Sacramento*, advocates, supported by research from the Law Center, filed a lawsuit against the City for conducting sweeps of homeless encampments despite an [order](#) issued by the Health Officer of the County prohibiting sweeps. This order relied on [CDC guidance](#) that stated communities should allow people experiencing homelessness to remain in encampments unless individual housing is provided, as to minimize the transmission of COVID-19. On July 16, Judge Laurie Earl of the Sacramento Superior Court found that the City of Sacramento was conducting sweeps of homeless encampments despite the County Health Officer's order and issued a Writ of Mandamus prohibiting further sweeps.

In *Blake v. City of Grants Pass*, the U.S. District Court for the District of Oregon granted the Plaintiffs' motion for summary judgment in a class action lawsuit brought on behalf of "all involuntarily homeless individuals living in Grants Pass, Oregon," challenging the litany of laws imposing civil penalties for living outside. For example, Grants Pass prohibited sleeping on any public sidewalks or streets as well as camping on any public property. The District Court relied on [Martin v. Boise](#), a 9th Circuit case which ruled that homeless persons cannot be punished for sleeping on public property in the absence of adequate alternatives.

The City of Grants Pass argued that its anti-camping ordinances complied with *Martin* because they did not criminalize the act of sleeping, but instead prohibited sleeping in a campsite and the ordinances only imposed a civil fine, not a jail sentence. The Court found that these ordinances were unconstitutional under *Martin*, because "it is not enough under the Eighth Amendment to simply allow sleeping in public spaces; the Eighth Amendment also prohibits a City from punishing homeless people for taking necessary minimal measures to keep themselves warm and dry while sleeping when there are no alternative forms of shelter available."

The Court also found "It is the punishment of a person's unavoidable status that violates the constitution, not whether that punishment is designated civil or criminal." The court also cited extensively from the Law Center's [2019](#)

[Housing Not Handcuffs](#) report and other information submitted in an amicus curiae brief, and recommended the city undertake constructive solutions rather than further criminalization.

## Varied Responses to Sweeps

On May 13, the Minnesota Governor Tim Walz issued an [executive order](#) relying on CDC guidance which stated that “homeless encampments, including both new and existing encampments, should not be subject to sweeps or disbandment by state or local governments, as such sweeps or disbandments increase the potential risk and spread of COVID-19,” the first example of a state-wide moratorium identified in the Law Center’s COVID-19 [response tracker](#). When, the City of Maplewood, MN conducted a [sweep](#) of an encampment in July, the City housed people in individual hotel rooms due to the order’s protections.

Despite the CDC guidelines, Detroit was conducting sweeps of homeless encampments. On June 2, the Law Center sent a [letter](#) in conjunction with the [ACLU of Michigan](#) and [Street Democracy](#) to Detroit’s mayor, city council members, and public health departments urging Detroit to cease conducting sweeps unless the City was able to provide individual housing units to all residents of the encampment. The letter argued that sweeping encampments hindered public health and violated the constitutional rights of encampment residents. As a result of this advocacy, the Detroit Housing and Revitalization Department agreed to add a line onto the city’s encampment removal policy, requiring that sweeps be conducted in compliance with CDC guidelines. The policy was said to be implemented within 30-40 days of their response to the letter on June 9, and has been used in three sweeps so far.

However, in Denver, sweeps have continued without adequate notice, storage, or alternatives provided, despite the *Lya//* settlement. This week, a large encampment in front of the Denver Statehouse was [swept](#) despite advocacy by HNH Campaign member [Denver Homeless Out Loud](#).

The Law Center hosted a [webinar](#) on organizing and legal strategies to stop sweeps as part of its ongoing [webinar series](#) on homelessness during COVID-19.

## Successful Transition of Homeless Encampment to Permanent Housing in Gainesville

In Gainesville, Florida, a homeless encampment known as Dignity Village, in which [approximately 350 people](#) experiencing homelessness resided, was closed through provision of housing. Dignity Village was located near [GRACE Marketplace](#), the largest homeless services center and shelter in the city. When the city made it clear they wanted the camp closed, advocates from GRACE proposed a [phased plan](#) to the City of Gainesville so residents could obtain

permanent housing. Advocates worked with residents of Dignity Village to address their needs to create interim support systems that would lead to permanent housing.

A complete roster of Dignity Village residents was taken. They created a temporary campground for Dignity Village residents on the GRACE campus while permanent housing options were being identified. Residents were given a private tent, and an unarmed security guard restricted access to only Dignity Village residents. GRACE hired a case manager whose sole job was to find permanent housing for Dignity Village residents, who were welcome to utilize GRACE services in the meantime.

As of now, Dignity Village has officially closed. 82 residents have transitioned to permanent housing. Approximately 60 residents are residing in the temporary campground and are being worked with so that permanent housing can be identified. The remaining Dignity Village residents stopped seeking services from GRACE or have otherwise left town. During this process, there were no arrests of Dignity Village residents nor positive cases of COVID-19. Here, advocates and residents created a holistic plan that utilized continuums of care with the sole goal of finding permanent housing.

## Equal Access Rule

HUD has announced a proposed change to the Equal Access Rule, which protects transgender people from discrimination in homeless shelters by ensuring transgender people are able to access HUD-funded shelter consistent with their gender identity. The new proposed rule would allow shelter providers to decide whether people seeking shelter are eligible for single-sex or sex segregated shelters. By allowing shelters to consider a range of factors, including religious objections, in determining whether or not to appropriately house a transgender person, the proposed rule condones discrimination against transgender people and makes shelters an unsafe place for them.

The Law Center is working with pro bono partners and other organizations to develop official comments disputing the legality of this proposed rule and highlighting the harms it will inflict on the trans community. You can join the fight against this proposed rule change at <https://housingsaveslives.org/>.

## Representative Jayapal Seeks Co-Sponsors for Housing is a Human Right Act of 2020

On March 19, 2020, Representative Jayapal introduced a [bill](#), co-sponsored by Representative Grace Meng, intended to "address and end root causes of homelessness; transition communities towards providing housing for all; and ensure full democratic participation of persons experiencing homelessness."

The full bill text is available [here](#), and includes restrictions on Department of Justice funding from being used to promote criminalization of homelessness. The Law Center is proud to have worked with Representative Jayapal's office to

develop the *Housing is a Human Right Act*. Currently, Representative Jayapal is seeking further co-sponsors and Housing Not Handcuffs endorsers are encouraged to contact their representatives and ask them to co-sponsor the Housing is a Human Right Act.

Additionally, Representative Jayapal offered an appropriations amendment to the Justice section of the [appropriations minibus](#). This amendment "prohibits federal funds from being used to penalize persons experiencing homelessness for the life-sustaining activities of sleeping, resting and eating in recognition of the sharp increase in unsheltered homelessness likely to be caused by secondary economic effects of COVID-19, especially absent further federal housing voucher and eviction relief; the inherent human right of all persons to sleep, rest and eat; and the 9th Circuit's holding in *Martin v. Boise* that criminalizing unsheltered persons violates the Cruel and Unusual Punishments clause of the Eighth Amendment."

The amendment was unfortunately rejected by the Rules Committee, but plans have been made to introduce a similar amendment on the Senate side. If passed, this would be the first measure prohibiting the criminalization of homelessness in the budget.

## Announcements

### 2,000 Endorsements!

Since March, the Law Center has hosted a webinar series aimed to help advocates promote the needs of people experiencing homelessness during and after the COVID-19 crisis. We are grateful to the over 1,000 people that have endorsed the Housing Not Handcuffs campaign as a result of the webinar series. All past webinars as well as information for upcoming webinars can be found on our [website](#). Upcoming topics include media and narrative building and youth homelessness. Register for the webinar on media and narrative building [here](#).

### Coronavirus Hub

To stay up-to-date on resources, news, and initiatives by the Law Center regarding Coronavirus, make sure to check our Coronavirus [hub](#). The Law Center, in conjunction with Sullivan & Cromwell LLP, has been identifying how communities nationwide are protecting people experiencing homelessness in their [COVID-19 responses](#). Record of these practices are intended as a reference to assist communities in crafting their responses. A breakdown of noteworthy practices based on the Law Center's COVID-19 recommendations can be found [here](#).

### Annual Forum Indefinitely Postponed

Unfortunately, due to COVID-19 concerns, the Law Center is indefinitely postponing its National Forum on the Human Right to Housing. We are looking

to determine alternative events and will let you know soon as we have more information.

## HNH One Pager

This [one pager](#) provides an overview of the HNH Campaign and outlines concrete ways for people to get involved. It also includes a fact sheet on the criminalization of homelessness. This tool is useful to share with people who are already familiar with homelessness issues and are looking for more information about the HNH Campaign.

## Campaign Branding

We encourage campaign endorsers to link relevant events to the national Housing Not Handcuffs campaign. Please see the guidelines for branding your materials [here](#).

**HOUSING**  
**NOT HANDCUFFS**

## In the News

Sierra Sun Times (7/28/2020) [U.S. Senator Kamala D. Harris, Congresswoman Ayana Pressley and Rosa DeLauro Unveil Bill to Provide Critical Lifeline for Families Facing Eviction Amid COVID-19 Pandemic](#)

Miami New Times (7/16/2020) [Attorneys Say Miami Beach's Panhandling Ban Was Unconstitutional](#)

NPR (7/10/2020) [Large Minneapolis Homeless Encampment Concerns Officials](#)

Vice (7/1/2020) [Cities are Realizing It's Time to Stop Calling the Police on Homeless People](#)

Boston Globe (6/28/2020) [For the Homeless in Boston and Beyond, Laws can Criminalize Life Itself](#)

Colorado Sun (6/25/2020) [Sweeps of Denver Homeless Camps Go Against Coronavirus Guidance](#)

Vox (6/24/2020) [4 Ideas to Replace Traditional Police Officers](#)

Forbes (6/9/2020) [HUD Allocates Nearly \\$3 Billion in Funding to Aid Homeless Amid Coronavirus Recovery Efforts](#)

The Progressive (6/3/2020) [Pandemic Ramps Up Risk for the Homeless](#)

**NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY**

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