

Are Local Anti-Homeless Laws 'Cruel and Unusual'?

The Supreme Court Set to Decided Future Anti-Homeless Law

The Supreme Court agreed Friday to review lower-court rulings that make it harder for cities in the western United States to prevent people from sleeping on the streets when there aren't enough beds in homeless shelters.

The justices will hear an appeal from the city of Grants Pass, in southwest Oregon, that has the backing of California Gov. Gavin Newsom, a Democrat, as well as other Democratic and Republican elected officials who have struggled to deal with homelessness brought on by rising housing costs and income inequality.

The court's action comes a day after a panel of the 9th U.S. Circuit Court of Appeals affirmed a lower-court ruling blocking anti-camping ordinances in San Francisco, where Newsom once was the mayor. A separate 9th circuit panel ruled in the Oregon case that Grants Pass could not enforce local ordinances that prohibit homeless people "from using a blanket, pillow, or cardboard box for protection from the elements." The decision applies across nine western states, Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington.



Los Angeles city employees clean up a homeless encampment to relocate homeless individuals into temporary housing as part of Los Angeles Mayor Karen Bass' Inside Safe program in Los Angeles, Tuesday, Oct. 24, 2023. (AP Photo/Jae C. Hong) Provided by The Associated Press

The two rulings, like a 2018 decision from the 9th circuit in a case from Boise, Idaho, found that punishing people for sleeping on the streets when no alternative shelter is available amounts to "cruel and unusual punishment" in violation of the Constitution.

Elected officials urged the justices to take up the case because they say

the rulings complicate their efforts to clear tent encampments, which have long existed in West Coast cities, but have more recently become more common across the U.S. The federal count of homeless people reached 580,000 last year, driven by a lack of affordable housing, a pandemic that economically wrecked households, and

a lack of access to mental health and addiction treatment.

"The Supreme Court can now correct course and end the costly delays from lawsuits that have plagued our efforts to clear encampments and deliver services to those in need," Newsom said in a statement.

Theane Evangelis, a lawyer for Grants Pass, said in a statement that the appellate decisions "are actually harming the very people they purport to protect."

Homeless people and their advocates say the sweeps are cruel and a waste of taxpayer money. They say the answer is more housing, not crackdowns.

"The issue before the Court is whether cities can punish homeless residents simply for existing without access to shelter," Ed Johnson, a lawyer for homeless people who challenged the Grants Pass ordinances, said in a statement. "Nevertheless, some politicians and others are cynically and falsely blaming the judiciary for the homelessness crisis to distract the public and deflect blame for years of failed policies."

Cities from Los Angeles to New York have stepped up efforts to clear encampments, records reviewed by The Associated Press show, as public pressure grew to address what some residents say are dangerous and unsanitary living conditions. But despite tens of millions of dollars spent in recent years, there appears to be little reduction in the number of tents propped up on sidewalks, in parks and by freeway off-ramps.

It's unclear whether the case will be argued in the spring or the fall.

Dedication Helped Portland Weather a Storm

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week of January 15 prevented in-person building inspections, which are expected to resume this week.

During the peak of storm, call takers at the Bureau of Emergency Communications answered nearly 300 calls per hour to 911 and the police non-emergency line and more than 4,000 in a single day. The highest number 911 calls during this event was 2,923 on Jan. 13 – a 70 percent increase from the previous year. Call takers connected thousands of community members with resources and dispatched first responders.

Police officers and public safety support specialists navigated icy roads by patrol car and foot to serve escalating needs – from fallen trees and power lines to welfare checks for vulnerable community members. Welfare check calls were 27 percent higher than the daily average for 2023, with a peak of 135 calls Jan. 13. Some police stations also experienced firsthand storm impacts, such as broken pipes and power outages.

Throughout the storm, extra staffing and specialized vehicles allowed Portland Fire & Rescue to address quadruple the emergencies of a typical January day

– logging the busiest day in the history of Multnomah County emergency medical services. Portland Street Response and Community Health Assess and Treat teams assisted people outdoors and transported them to warming shelters.

Neighborhood Emergency Team volunteers worked with first responders to serve the community's biggest needs: clearing storm drains, assessing damage, staffing shelters, maintaining a perimeter around downed power lines, submitting damage reports about shattered windshields, checking on neighbors, dispatching rides to warming centers and supporting the City's Emergency Operations Center.

Behind the scenes, CityFleet kept the City moving – literally. Their team worked around the clock during the storm to field a record 300+ work orders for emergency support. Thanks to this dedicated crew, community service continued when it was needed most from snowplows, de-icing machines, vacuum trucks that keep sewer pipes clean and prevent flooding, aerial pickers to remove tree branches, police cars, fire trucks and more.

Thanks to all the public servants, partners and community heroes who helped Portland weather the storm.

Instilling Hope, Courage, and Healing...

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vened community healing ceremonies for other domestic violence survivors. To help process her demoralizing encounter with domestic violence, which led to the brink of a nervous breakdown, she wrote a play, published an album, a novel, and a book of poetry that helped gave others permission to speak up about their own experiences with domestic violence. This led to Dr. Mitchell co-founding Portland's first drop-in cultural resource center for Black survivors of domestic violence to create a space where they could find community, care, and comfort at a time when they need it most.

In 2022, Multnomah County sought out Dr. Mitchell to partner on a park-based creative initiative that she called "place keeping," an acknowledgment that gentrification has led to racially biased displacement. This summer-long effort, wrapped up its second year end 2023 and focused on ways to unite, inspire, affirm, and contribute to healing in a community suffering from decades of government-endorsed racial trauma as a result of being forced out of their neighborhoods because of gentrification and racially biased practices.

Dr. Mitchell is also often called on to read her empowering and heart-centered poetry at various events that honor breast-cancer survivors, midwives, trauma survivors and public figures, before a variety of audiences. She is a uniquely accomplished community servant who demonstrates that her heart-centered, and research-based work has resulted in creating nurturing spaces and connecting people hungry for intentional community building.

The Lowenstein Trust is part of the legacy of Steve Lowenstein, a model of public service. Steve's sense of purpose, integrity, and perseverance continues to inspire many who work to uphold human rights and social justice today. As a persuasive voice for positive change throughout his life, Steve served as founding director of Oregon Legal Services, authored a groundbreaking history, *The Jews of Oregon 1850-1950*, and at the time of his death in 1990, had served for six years as Chief of Staff to former Portland City Commissioner Mike Lindberg. In his will, Steve established an annual financial award to recognize and assist those individuals who make significant ongoing personal sacrifice serving the poor and underprivileged in Portland. Please visit <https://www.lowensteintrust.org/>