

# 2024 AML Conference

## Public “Camping” & Managing Instability in Your Community

# What to expect

- Legal Landscape: Quick Overview
- Juneau's Approach
- “Lessons” Learned

# Legal landscape

Robinson v.  
California (1962)

SC rules criminalizing the status of being a drug addict violates 8<sup>th</sup> amend. Punish behavior? Okay. Behavior (taking drugs) different from condition of being addicted to drugs.

Martin v. Boise  
(2019)

9<sup>th</sup> Cir rules cities cannot enforce anti-camping laws criminally if they lack sufficient shelter beds. Applies to 9 western states. SC refused to hear appeal, remained binding.

Johnson v.  
Grants Pass  
(2022, 2023)

Criminally or civilly punishing a homeless person from sitting, sleeping, lying, or taking rudimentary protections from the elements if they have nowhere else to go is an 8<sup>th</sup> amend violation.

Johnson v.  
Grants Pass  
(2024)

SC, 6-3, rejects the argument that anti-camping ordinances punish the status of being homeless and views those ords as neutral regulations of public space (assuming general applicability).

# More lawyer conspiracy

What seems certain

Per the Supreme Court...

- Homeless is not a status
- Generally applicable camping ordinances are constitutional
- Complexity and nuance requires legislative action, not judicial

Eh, talk to a real lawyer

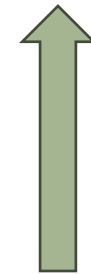
- Necessity Defense (survival)
- Due Process (be clear, specific, narrowly tailored to accomplish the public good)
- Equal Protection (be fair)
- State and Local Law (be aware)



# Juneau



By the numbers (2023):



Transitional: 118

Permanent Supportive: 165

Emergency: 89+55=144

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Youth: 14

Comparison?

US States: 1.5 to 61.5 beds per 10,000 people in the US\*

Juneau: 82 (T+E) to 133 (Incl PS)

\* <https://www.census.gov/library/stories/2024/02/living-in-shelters.html>





# CWES

## Spectrum

Transitional: 118

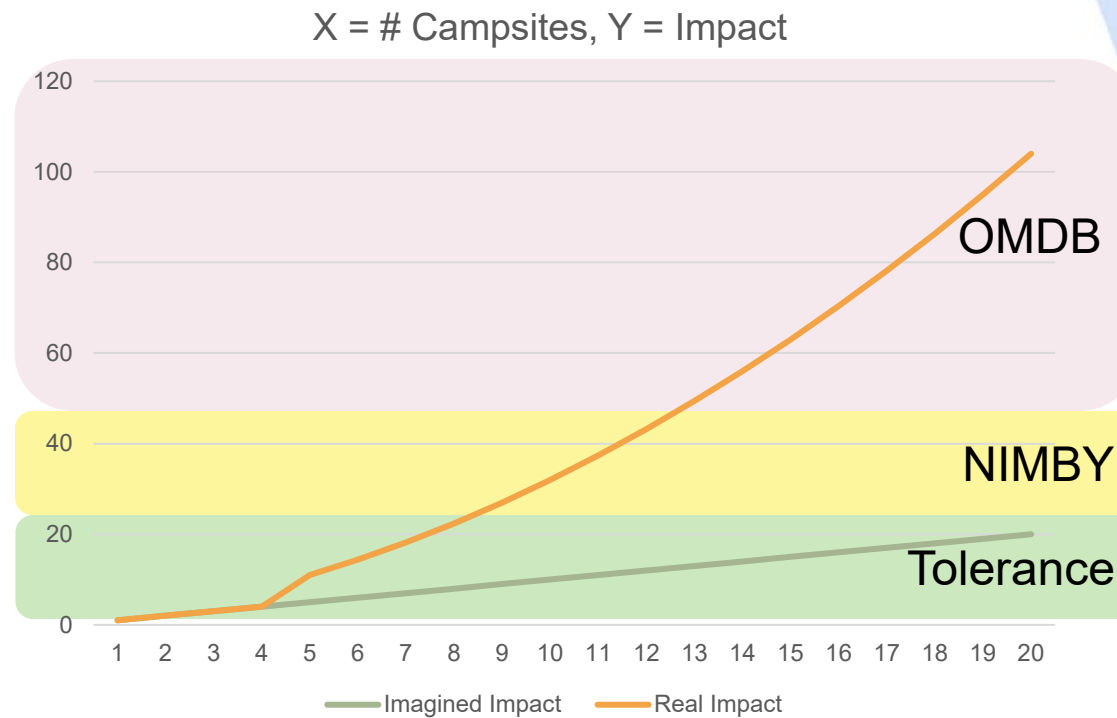
Permanent  
Supportive: 165

Emergency:  
89+55=144

Primary goal: No freezing deaths  
October to April  
10 PM to 6 AM (roughly)  
Limited food  
Transportation  
Significant operational difficulty

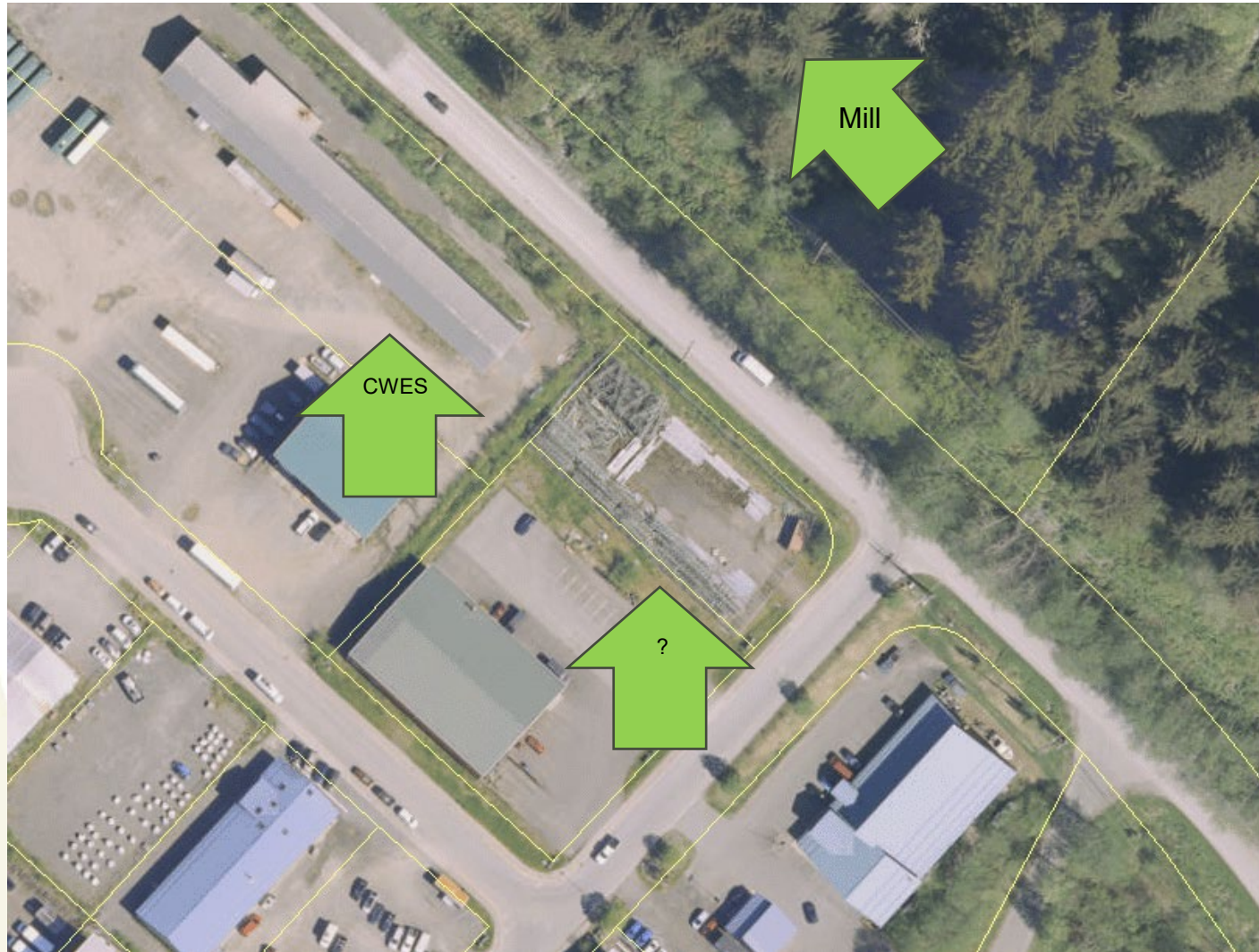


# Summer?





# Summer?



## Mitigate Impact Through:

- Improved Access
- Improved Visibility
- Improved Services
- ...Enough?

## Constraints:

- AK SC Ruling (Poison Pill?)
- Neighborhood Concerns
- Funding & Capacity



# Where we're at

## 53.09.340 - Camping.

- (a) Except as provided in subsection (c) of this section, no person shall **camp** or establish or maintain a campsite:
- (1) On any part of a public right-of-way not designated for **camping** by an official sign;
  - (2) For a period in excess of 48 hours within the boundaries of any one area on a public right-of-way, designated for **camping** by an official sign;
  - (3) On City and Borough land other than a public right-of-way within one-half mile of the same location for a period in excess of 48 hours; or

### Criteria driven, light-touch enforcement:

- Campsite size
- Presence of human waste & quantity/character of garbage
- Evidence of increased & associated criminal activity
- Presence of stolen property
- Number and character of calls for service from surrounding neighbors