

Why Encampment Bans Don't Reduce Homelessness

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ABSTRACT

The issue of homelessness remains widespread all across America. To combat the issue, cities have passed policies that place restrictions or bans on homeless encampments in public spaces, and this right to do so has been reinforced by the Supreme Court's passing of *City of Grants Pass v. Johnson*. To determine whether bans on homeless encampments in public spaces are effective in addressing the issue of homelessness, I use data from the United States Department of Housing and Urban Development and the U.S. Census Bureau to perform a difference-in-differences analysis to compare counties – Sacramento County, Manchester CoC, and Miami-Dade – with policies passed to neighboring counties without policies passed. Our results indicate that encampment-banning policies did not lead to a statistically significant reduction in the unsheltered homeless population for any of the counties analyzed. However, our results revealed that fewer barriers to policy implementation correspond to more statistically significant change, and non-monetary penalties are associated with reductions in homelessness.

Introduction

In this paper, I use the contemporary statistical method of difference-in-differences to quantify the impact of county-level encampment-banning policies on the unsheltered homeless population for Sacramento, Manchester, and Miami-Dade counties. While prior research has investigated the impact of encampment-banning policies on homeless communities (Robinson, 2019; Jennifer Darrah-Okike, 2018; Brie Diamond, 2024; Junejo et al., 2016), the impact has only been analyzed through qualitative surveys and interviews, which can be unreliable due to response bias, selection bias, and other limitations. Because our research uses observational data from point-in-time homeless counts conducted by the United States Department of Housing and Urban Development, the biases of surveys are avoided, and the effect of encampment-banning policies can be more accurately quantified.

The practice of prohibiting homeless individuals from camping on public land is not a novel concept. Since 1872, California has charged individuals with a misdemeanor for lodging “in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it” (Herring et al., 2019). This law set a precedent that endured through the decades. However, in the 1960s and 1970s, numerous laws of this nature began facing legal challenges and were often repealed or significantly altered due to their broad and ambiguous language (Liese, 2006; O'Connor, 2007), and these policies were ultimately deemed unconstitutional for being “cruel and unusual” to the homeless population.

In the 1980s, various major American cities adopted measures aimed at managing the visibility of homelessness. For instance, Sarasota, Florida, saw repeated attempts by the City Commission to enact ordinances targeting sleeping outdoors, which eventually led to more specific laws explicitly aimed at the homeless population (O'Connor, 2007).

In more recent years, various counties have implemented ordinances that penalize homeless individuals for camping in public spaces. Despite frequent disputes over these policies, only a few have been overturned. With the Supreme Court ruling of *City of Grants Pass v. Johnson*, cities now have the constitutional right to establish encampment-banning policies, thus making the impact of these policies essential to study.

Case Selection

Encampment-banning policies passed in recent years include Sacramento's Ordinance No. 2020-0009, Manchester's Section 130.13, and Miami-Dade's Ordinance 14032, and it will be these three counties and their policies which are the subject of study in this research paper. While there are numerous other encampment-banning policies across America including Portland's camping ordinance of May 2024 and San Diego's Unsafe Camping Ordinance of June 2023, these policies have been passed too recently to assess their long-term effects on the homeless population thoroughly. The counties chosen for this study—Sacramento County in California, Manchester CoC in New Hampshire, and Miami-Dade County in Florida—are major urban areas with policies enacted sufficiently long ago to allow for a meaningful analysis of the differences in the periods between before and after the policies.

The results in Sacramento, Manchester, and Miami-Dade can all be generalized to urban areas of America because these counties all satisfy the U.S. Census Bureau's definition of urban: having a population density of over 1,000. Finally, all these counties have dedicated homeless initiatives and homelessness rates far above the national average and thus can be assumed to functionally implement their encampment-banning policies to address the issue of homelessness to the best of their abilities. Therefore, these three counties are effective case studies for the effect of encampment-banning policies.

While this study tries to control for differences between counties such as cost of living, investment in affordable housing, ease of policy enforcement, penalties associated with public camping, and availability of shelters by selecting neighboring counties, these factors can still vary somewhat between counties and impact the proportion of unsheltered homeless.

Hypothesis and Assumptions

With the recent passing of *City of Grants Pass v. Johnson*, it is imperative to research the quantitative impact encampment-banning policies have on the proportion of unsheltered homeless. Prior research has found that encampment-banning policies are not only inefficient and unsustainable compared to affordable housing (Thomas et al., 2020), but can have negative impacts on the physical and mental health of homeless people. A survey conducted in Colorado revealed that "quality of life" policies, which intend to move the homeless off the streets and towards healthy services, directly caused the lives of the homeless to become more stressful and less safe (Robinson, 2019). Surveyed homeless say that frequent encounters with the police and arrests for minor offenses pushed them towards more hidden, more isolated, and less safe areas, rather than towards shelters. Other studies claim that criminalization of homelessness is not only not working to reduce homelessness, but is also a more costly policy in the long term than affordable housing. The costs of criminalizing homelessness include law enforcement, court proceedings, and incarceration expenses, as well as indirect costs such as the loss of productivity, increased unemployment, and the social services burden due to higher rates of recidivism among the homeless population who face criminal charges (Tars, 2022; Hellmann, 2018).

With much research finding that encampment-banning policies largely do not serve their intended purpose, and other research finding that homeless tend to quickly return to their prior encampments (Speer, 2019), I hypothesize that when conducting the difference-indifference analysis between counties, there will not be a statistically significant difference in the proportions of homeless due to the implementation of encampment-banning policy for the counties analyzed: Sacramento County, Manchester Coc, and Miami-Dade County. The implication of this hypothesis is that encampment-banning policies fail in redirecting homeless individuals to homeless-relief services, and ultimately do not alter the proportion of unsheltered homeless. In this study, I compare similar counties, one with and one without the policy to control as many confounding variables as possible.

The first assumption made is that bordering counties have essentially identical demographics, cultural backgrounds, cost of living, education levels, population density, and other factors that could influence homelessness rates because of the proximity of the communities and the lack of physical division between them. This assumption is

critical for testing the isolated impact of encampment-banning policies on the unsheltered homeless population, as it aims to ensure that differences observed are primarily due to policy effects rather than underlying regional disparities.

The second assumption made is that when trends in the rise of homelessness are similar between two neighboring counties, the rate of change of proportion of unsheltered homelessness over time is parallel between the two counties. Furthermore, I assume that these trends would have continued along the initial trajectories if the policies were not applied. This assumption is essential for employing a difference-in-differences analysis, allowing me to isolate the effect of the encampment ban by comparing changes in homelessness rates before and after the policy's implementation relative to a control group without such policies.

Sacramento and Neighboring Counties

Sacramento County Policy

Sacramento's Ordinance No. 2020-0009 was enacted on February 25, 2020, with the intent to safeguard public health, safety, and welfare by mitigating potential hazards associated with unauthorized camping near critical infrastructure and high-risk wildfire areas. This ordinance specifically prohibits the establishment of campsites and the storage of personal property within 25 feet of essential public facilities such as hospitals, bridges, fire and police stations, as well as areas vulnerable to wildfires.

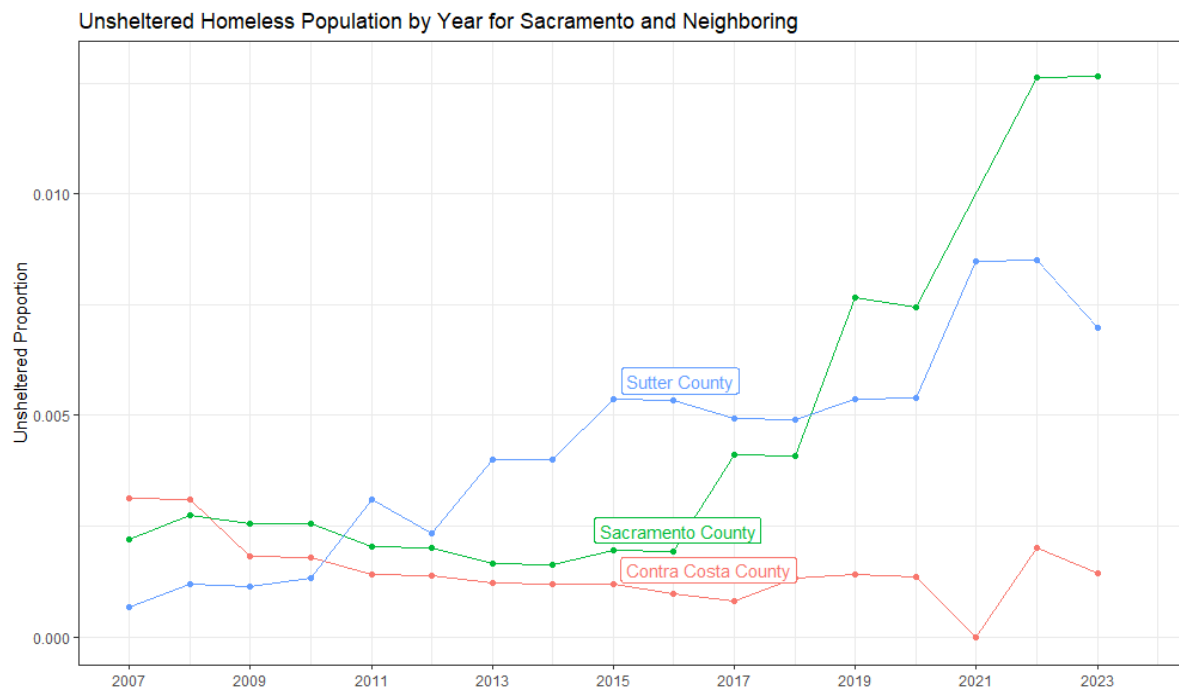


Figure 1. The figure shows the proportion of unsheltered homeless in Sacramento County, Sutter County, and Contra Costa County. I only compare Sacramento County and Sutter County because they have similar trends in the proportion of unsheltered homeless people before Sacramento's Ordinance No. 2020-0009.

Individuals who violate the ordinance may face civil penalties ranging from \$250 to \$25,000 for each day the violation continues. Additionally, violations are deemed public nuisances, which can lead to criminal sanctions, civil actions, and administrative penalties. The ordinance also permits the city to pursue any other legal remedies

available to ensure the enforcement of its provisions. These measures are designed to ensure the protection of critical infrastructure and wildfire risk areas effectively.

Graphs and Analysis of Difference-in-Differences Results

Since Contra Costa County, Sutter County, and Sacramento County are neighboring areas, I can satisfy Assumption 1 – this proximity allows me to infer that factors such as political orientation, economy, and population density, which could influence the proportion of unsheltered homeless, are sufficiently similar across these counties. However, because the trend in the proportion of unsheltered homeless begins to diverge between Sutter County and Sacramento County after 2017, Assumption 2 is only applicable in our comparison between Sacramento County and Contra Costa County.

We then conducted a Differences-in-differences test using the following model:

$$\text{Unsheltered Proportion} = \beta_0 + \beta_1 \cdot \text{time} + \beta_2 \cdot \text{treated} + \beta_3 \cdot \text{did} + \varepsilon$$

Where time is a binary variable representing whether the treatment has been applied and treated is a binary variable representing whether the county receives the treatment, and did is the interaction variable between time and treated.

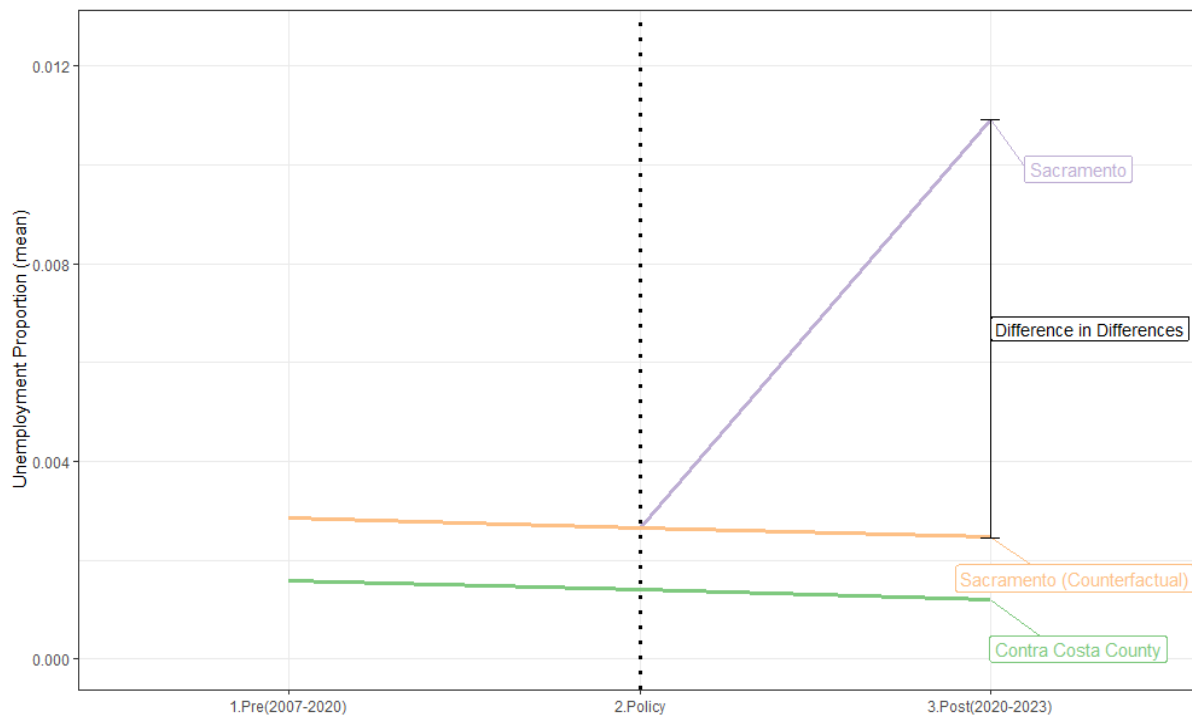


Figure 2. The figure shows that although Sacramento and Contra Costa had similar trends in unsheltered homeless proportion, after the enactment of Sacramento’s Ordinance No. 2020- 0009, Sacramento saw an immediate and significant increase in the homeless population.

The DiD estimator (0.0030212) indicates that the policy enacted in Sacramento County in 2021 had a significant effect on the proportion of unsheltered individuals. Specifically, the policy led to an increase in the unsheltered proportion by approximately 0.003 compared to the control group. While the time variable shows an overall increase in unsheltered proportions over time, the significant DiD coefficient suggests that the policy had a distinct impact on Sacramento County beyond this general trend. The R-squared value of 0.6534 and the adjusted R-squared

of 0.6176 suggest that the model explains a substantial proportion of the variance in the unsheltered proportion. The F-statistic (18.23, $p < 0.001$) further confirms the overall significance of the model. This result goes against the hypothesis that there would be no significant change in the unsheltered proportion of homeless people. The significant increase could suggest that the policy did worsen the quality of life for homeless people rather than guide them to shelters, and thus made it more difficult for homeless people to escape homelessness. Although the enactment of Sacramento's Ordinance 2020-0009 seems to correlate with a significant increase in the proportion of unsheltered homeless, the differing trends in housing price increases between Sacramento County and Contra Costa County might explain the relative rise in unsheltered homelessness in Sacramento.

From 2020 to 2023, housing prices in Sacramento County rose sharply, with home values increasing by approximately 35%, according to Zillow data. This surge was largely driven by an influx of people relocating from more expensive areas like the Bay Area. In contrast, Contra Costa County experienced a more moderate price increase of around 20% during the same period. The significant escalation in housing costs in Sacramento likely contributed to the rise in unsheltered homelessness, as affordability issues displaced more individuals from stable housing. This economic pressure may have had a more substantial impact on the increase in unsheltered homelessness than the effects of Sacramento's Ordinance 2020-0009, which, while intended to manage homelessness, may not have been adequate to mitigate the broader consequences of rising housing costs.

Manchester CoC and Neighboring Counties

Manchester CoC Policy

Section 130.13 of the Manchester, NH, enacted January 19, 2021, city ordinances address "Camping in Public Places." The regulation prohibits camping in public spaces without written permission from the Board of Mayor and Aldermen or its designee, where camping is defined broadly as using public property as a temporary or permanent dwelling or residence, especially between sunset and sunrise. Indicators of camping include storage of personal belongings, use of tents or temporary shelters, and cooking activities. Enforcement of this prohibition is conditional on the availability of overnight shelter. Police are instructed to enforce the ban only if the individual has access to an available shelter space at no charge and is not barred from the shelter due to any restrictions like intoxication or behavioral rules. Violators of this provision may be subject to a fine of up to \$250. This Section 130.13 differs in some ways from Sacramento's Ordinance 2020-0009: Section 130.13 prohibits camping on a broader range of public spaces, but in exchange, is only enforceable after officers have confirmed that there is an available shelter that the homeless camper can access. Additionally, while the fine for Sacramento's policy can range anywhere from \$250 to \$25,000, the fine for Section 130.13 is at most \$250.

Graphs and Analysis of Difference-in-Difference Results

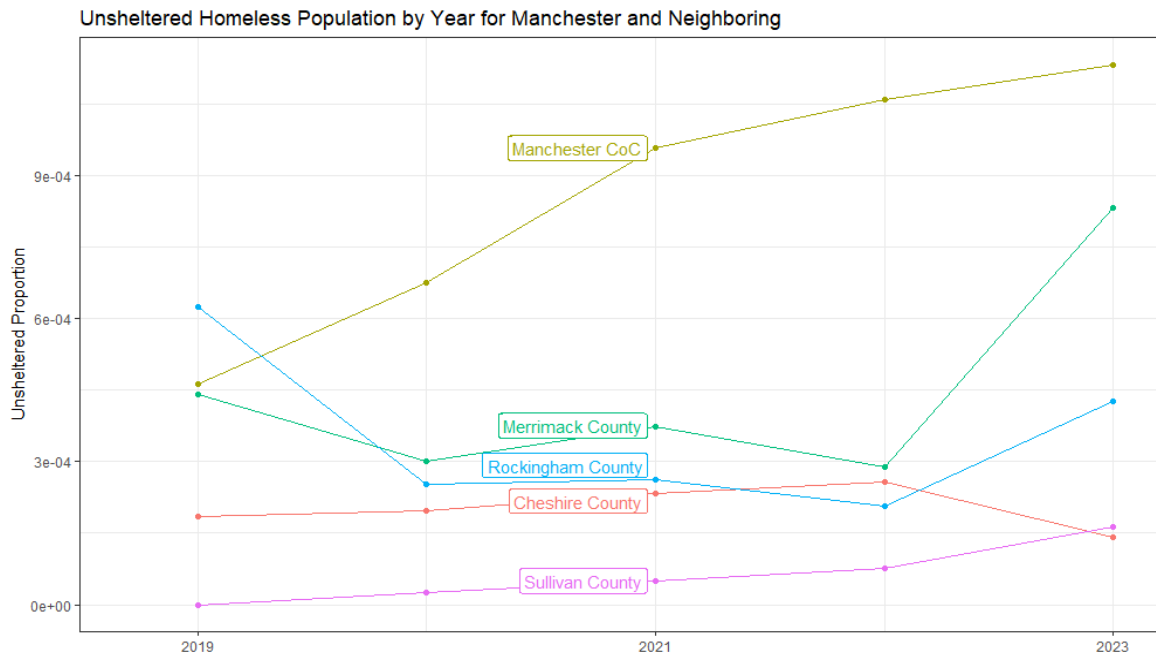


Figure 3. The figure shows the proportion of unsheltered homeless in Cheshire County, Manchester CoC, Merrimack County, Rockingham County, and Sullivan County. The place of interest is Manchester CoC, and the only neighboring counties with similar trends in the proportion of unsheltered homeless before January 2021 (when Section 130.13 was passed) are Cheshire County and Sullivan County.

Because Cheshire County and Sullivan County are the only counties that satisfy Assumption 2, those are the only two counties in which we can use a difference-in-differences analysis to compare with Manchester CoC and determine the effectiveness of Section 130.13.

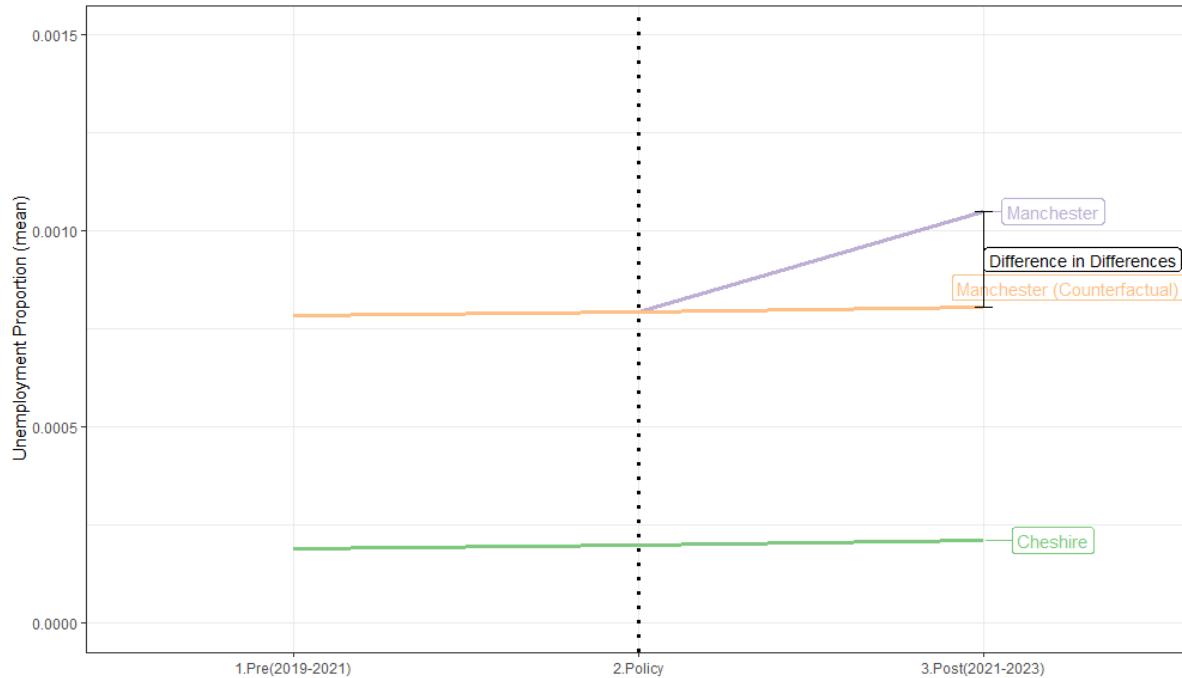


Figure 4. Manchester CoC and Cheshire County had similar trends in their proportions of unsheltered homeless, and after the enactment of Section 130.13, Manchester CoC saw an increase in their proportion of unsheltered homeless relative to Cheshire County.

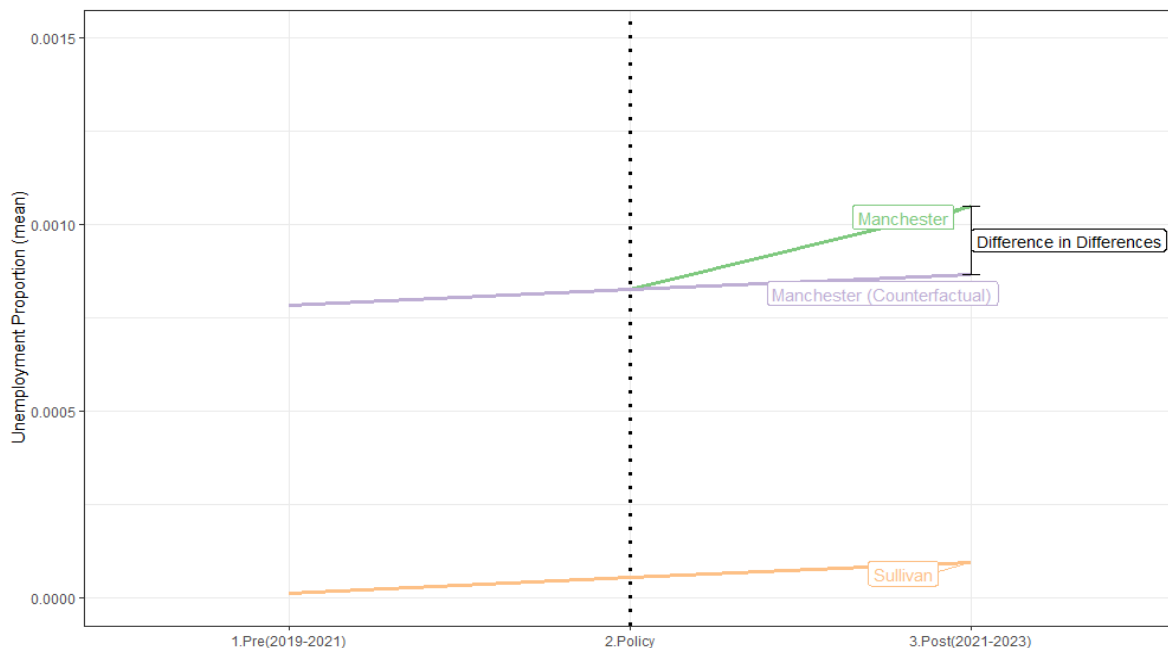


Figure 5. Manchester CoC and Sullivan County had similar trends in their proportions of unsheltered homeless, and after the enactment of Section 130.13, Manchester CoC saw a small increase in their proportion of unsheltered homeless relative to Sullivan County.

As shown in the plot for difference-in-differences in the proportion of unsheltered homeless in Manchester CoC and Cheshire County, the enactment of the policy in Manchester CoC corresponded to an increase in the proportion of unsheltered homeless relative to Cheshire County. Using the same model as above, the DiD estimator ($2.454 \cdot 10^{-4}$) is not significant with a p-value of 0.6069, implying that the policy did not have a significant effect on the difference in proportion of unsheltered individuals between Manchester CoC and Cheshire County. The model explains only a small proportion of the variance in the unsheltered proportion, with an R-squared value of 0.3477. The F-statistic (3.198, $p = 0.04833$) demonstrates that the model has some significance, though. These results agree with the hypothesis, as there was no statistically significant change in the proportion of unsheltered homeless. Unlike Sacramento's Ordinance No. 2020-0009, Manchester Section 130.13 caused no significant increase or decrease in the proportion of unsheltered homeless relative to its neighboring counties, which may be a result of the implementation of the policy. Still, Manchester saw an increase in unsheltered homelessness following the passing of Section 130.13 relative to Cheshire County. Although Assumption 1 is taken for granted because Manchester is neighboring Cheshire County, the cost of living differs: while Manchester's housing expenses are 10% higher than the national average, Cheshire County's are 10.4% lower than the national average. This disparity in cost of living between the counties could at least partially account for Cheshire County's smaller rise in homelessness relative to Manchester.

As shown in the plot for difference-in-differences of the proportion of unsheltered homeless in Manchester CoC and Sullivan County, the enactment of the policy in Manchester CoC corresponded to a small increase in the proportion of unsheltered homeless relative to Sullivan County. Using the same regression model for the DiD estimate gives that the DiD estimator (1.829×10^{-4}) is also not significant with a p-value of 0.7009. Section 130.13 may not have had a significant effect on the difference in proportion of unsheltered individuals between Manchester CoC and Sullivan County. Looking at the R-squared value (0.4357) shows that this model does not explain most of the variance in the unsheltered proportion, while the F-statistic (4.632, $p = 0.01433$) demonstrates that the model has some significance. This result agrees with our hypothesis and suggests that the policy, as implemented, lacks the enforcement strength or necessary support systems to effect significant change. The similar results between Sullivan County vs. Manchester and Cheshire County vs. Manchester reveal that Section 130.13 likely had little effect on the proportion of unsheltered homeless.

Also similar to Cheshire County is the disparity in cost of living between Sullivan County and Manchester; Sullivan County's housing cost is 23.4% below the national average while Manchester's is 10% above the national average. This difference in housing costs could account for the relative rise in the unsheltered homeless population for Manchester CoC.

While other variations such as investment in shelters and affordable housing between counties might have also contributed to the relative rise in the unsheltered homeless population in Manchester CoC, how the policy was implemented and its penalties could be reasons for the observed insignificant results. As previously noted, the maximum penalty of \$250 for violating Section 130.13 resulted in no significant change while the fine ranging from \$250 to \$25,000 for Sacramento's Ordinance 2020-0009 resulted in significant change. Thus, there may be a correlation between the magnitude of a penalty and the significance of its impact. Moreover, the requirement for police in Manchester CoC to confirm the availability of nearby shelters likely makes it more challenging to enforce Section 130.13 compared to the enforcement of the ordinance in Sacramento. These factors potentially explain why the policy in Manchester CoC had an insignificant impact on the proportion of unsheltered homeless.

Miami-Dade and Neighboring Counties

Miami-Dade Policy

Miami has been recognized for decades for its exemplary practices in addressing homelessness. However, recent

years have seen significant policy shifts that could impact the homeless population dramatically. The first major policy change came with the dissolution of the Pottinger Agreement in February 2019. This agreement, established in 1992, mandated that police offer shelter to homeless individuals engaged in life-sustaining activities in public spaces before resorting to arrest. Activities considered life-sustaining included being in public parks after hours, setting fires in parks, obstructing passages on sidewalks, living or sleeping in vehicles, loitering in restrooms, camping in parks, establishing temporary structures in parks, trespassing on public property, camping in parks, and public nudity.

With the termination of the Pottinger Agreement, the approach to handling homelessness shifted significantly. Police could now arrest anyone found engaging in the previously mentioned activities without first offering them shelter. The enactment of Ordinance 14032 further solidified this shift. Passed in 2021, this ordinance declares any form of encampment in public spaces unlawful. If a police officer issues a written warning and the individual fails to remove their belongings within two hours, the police may enforce the ordinance by issuing a violation notice and potentially arresting the person. The penalties for violating Ordinance 14032 range from a civil violation to a misdemeanor, marking a strict enforcement policy against public encampments.

These recent changes mark a departure from Miami's earlier, more supportive approach to managing homelessness, reflecting a trend towards stricter enforcement measures that prioritize clearing public spaces over providing aid. This policy environment in Miami-Dade provides a crucial case study for understanding the impact of stringent encampment bans on the unsheltered homeless population.

Graphs and Analysis of Difference-in-Difference Results

As shown above, only Broward County and Collier County satisfy Assumption 2, and because both those counties neighbor Miami-Dade County, the conditions for using difference-in-differences are satisfied.

The DiD estimator (-0.0004303 , $p = 0.138$) indicates that Ordinance 14032 did not have a statistically significant effect on the proportion of unsheltered homeless individuals. Still, the effect of Ordinance 14032 was greater than Manchester's Section 130.13. The R-squared value of 0.8977 shows that this is a strong model for explaining the variance in the proportion of unsheltered homeless. The F-statistic (87.72 , $p < 0.001$) further confirms the overall significance of the model.

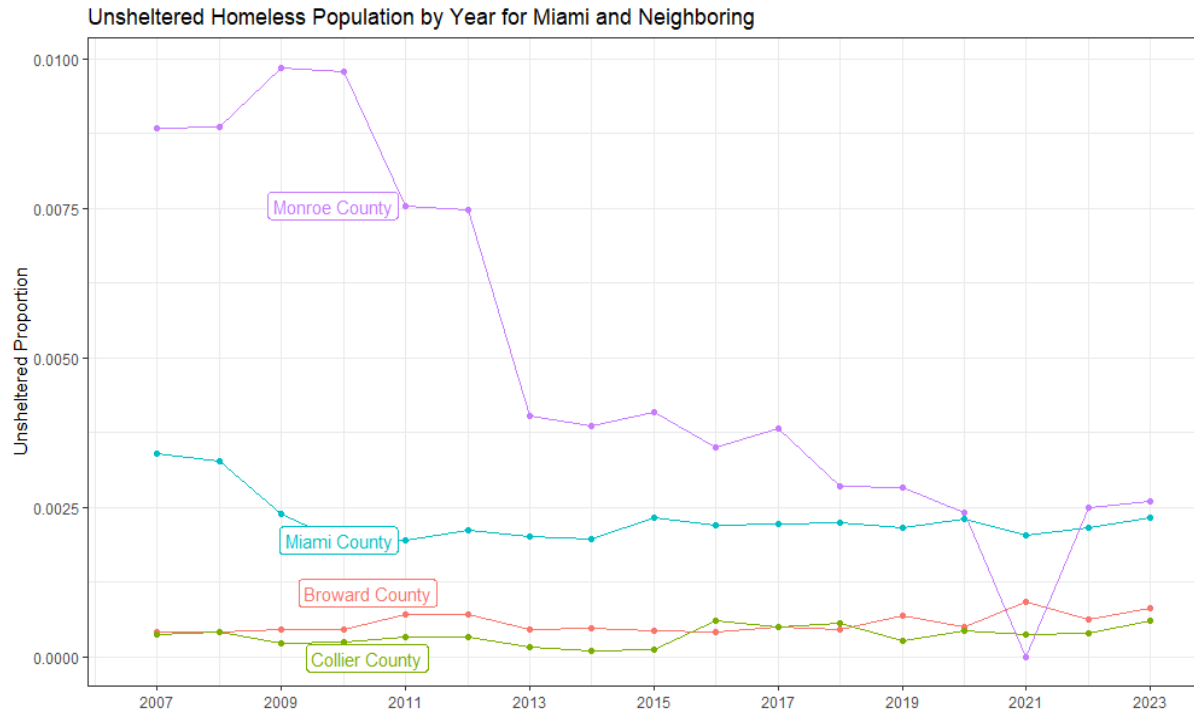


Figure 6. The proportion of unsheltered homeless for Broward County, Miami-Dade County, Monroe County, and Collier County are shown above. Only Broward County and Collier County have similar trends in homelessness before the enactment of Ordinance 14032 in Miami-Dade.

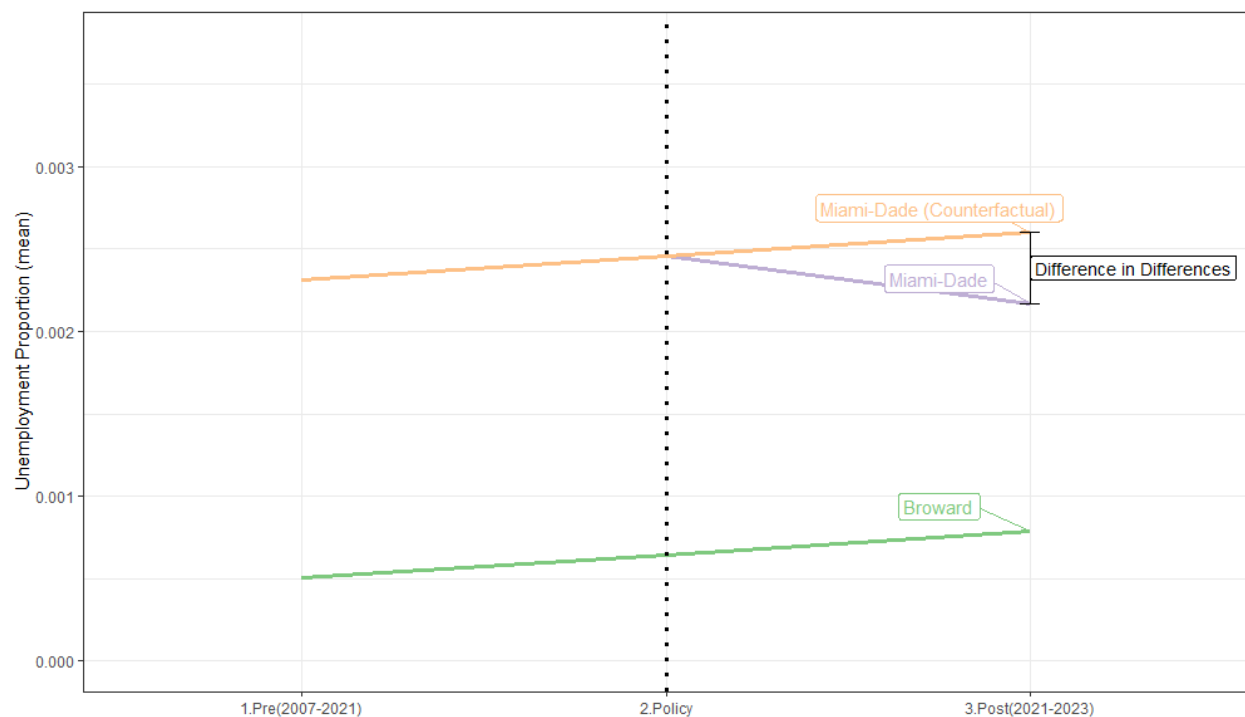


Figure 7. The diagram above shows that relative to Broward County, Miami-Dade County actually saw a decrease in the proportion of unsheltered homelessness after the passage of Ordinance 14032.

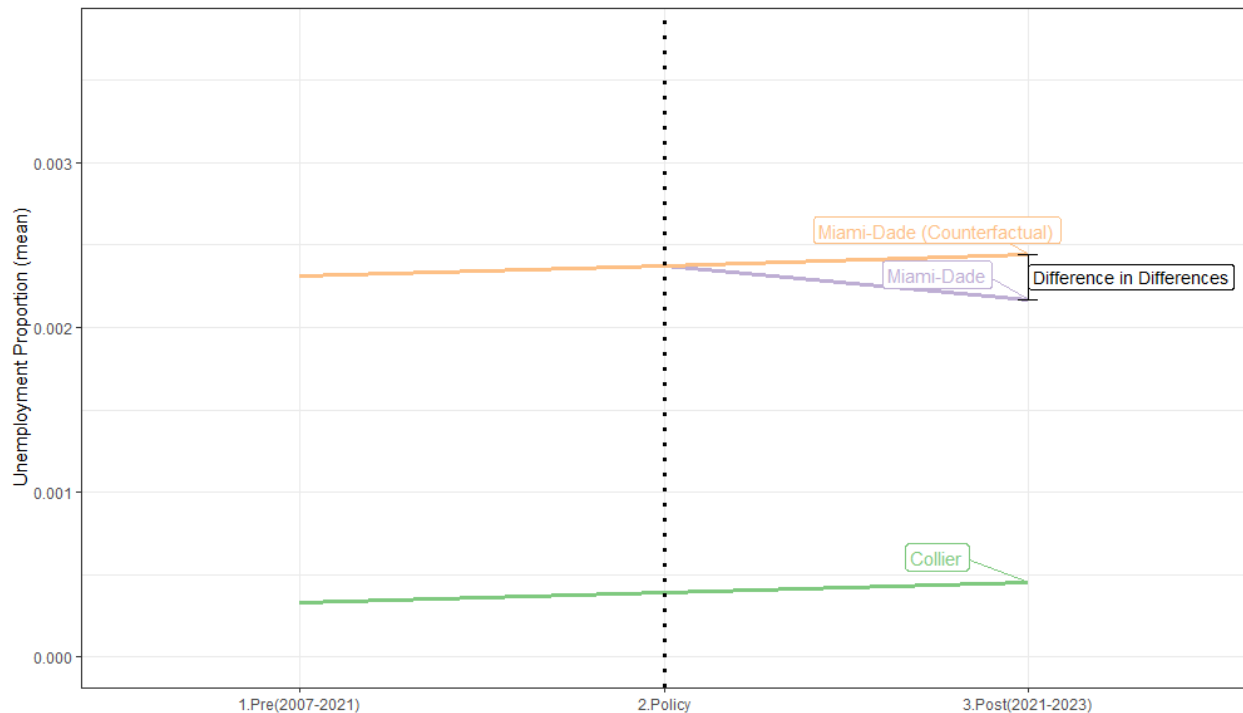


Figure 8. Miami-Dade County has a relative decrease in the proportion of unsheltered homeless.

The DiD estimator (-0.0004303 , $p = 0.138$) indicates that Ordinance 14032 did not have a statistically significant effect on the proportion of unsheltered homeless individuals. Still, the effect of Ordinance 14032 was greater than Manchester's Section 130.13.

The R-squared value of 0.8977 shows that this is a strong model for explaining the variance in the proportion of unsheltered homeless. The F-statistic (87.72, $p < 0.001$) further confirms the overall significance of the model. In Miami-Dade, the DiD analysis indicated a relative decrease in the proportion of unsheltered homeless, although not statistically significant. This result supports our hypothesis, as the change in the proportion of unsheltered homeless is not statistically significant. Still, the modest positive effect suggested by the model suggests that with appropriate implementation and additional housing investments, encampment bans can reduce homelessness. Among the counties analyzed in this study, Miami-Dade County is unique in that it experienced a relative decrease in the proportion of unsheltered homeless individuals. While the basic prohibition against encampments in public spaces is consistent across Sacramento, Manchester, and Miami-Dade, the outcomes differed, suggesting that the mode of implementation might play a significant role. Sacramento's implementation strategy is most comparable to Miami-Dade's. However, a notable distinction in Miami-Dade is the requirement for police to give a two-hour notice before enforcing the ordinance. This requirement potentially enables unsheltered homeless people to relocate to a more isolated area away from police enforcement, leading to them being excluded from the homeless count and a corresponding minimal reduction in unsheltered homeless count.

On the other hand, Miami-Dade's Ordinance 14032 seems to have positively impacted the proportion of unsheltered homeless. Considering that the implementation and the prohibition itself are similar to those in other regions, the nature of the penalties under Ordinance 14032 could explain the differing outcomes. Unlike other policies that strictly impose fines, Ordinance 14032 includes options for a civil violation or a misdemeanor. These penalties,

particularly the civil violations which are not always monetary, might act as effective deterrents without exacerbating the financial challenges already faced by the homeless population.

While charging the homeless with a crime for violating an encampment ban under Ordinance 14032 may appear effective—representing the most significant deviation from the other policies examined—it’s important to consider other contributing factors. For instance, the substantial increase in funding for affordable housing in Miami-Dade, which escalated from \$128 million in 2021 to \$260 million in 2023, could also have played a critical role in reducing the proportion of unsheltered homeless. This investment, as reported by WLRN, suggests that enhanced accessibility to affordable housing may have significantly contributed to the observed decrease in homelessness.

Discussion

Although the outcomes of policies banning or restricting homeless encampments in public spaces vary across the counties studied, these differences can largely be attributed to variations in policy terms and their implementation. For instance, both Manchester and Sacramento impose fines on violators, but only Miami-Dade County experienced a reduction in its proportion of unsheltered homeless. Miami-Dade’s approach, which involves penalizing homeless individuals with civil violations rather than fines, does not exacerbate their financial difficulties, thereby preventing an immediate worsening of homelessness. This contrasts with Sacramento, where a significant increase in the proportion of unsheltered homeless correlates with hefty fines ranging from \$250 to \$25,000. Conversely, Manchester, which caps fines at \$250, saw only a negligible change in its homeless population.

Additionally, the method of policy implementation may significantly affect the observed outcomes. In Manchester, where there was the smallest change in the proportion of unsheltered homeless, the policy implementation is notably challenging. Police officers are required to verify the availability of housing before they can take any enforcement action, complicating and potentially delaying the process. In contrast, Miami-Dade’s policy, though not requiring officers to offer shelter, mandates that they issue a warning and return after at least two hours to ensure compliance, adding a layer of procedural complexity. Meanwhile, Sacramento’s policy is the simplest to implement, as officers can act without notice when they perceive an immediate threat to public health and safety. Generally, the results of this study suggest that having fewer barriers to implementing an encampment-banning policy corresponds to a more significant change in the proportion of unsheltered homeless.

Conclusions

Generally, this study finds that the historical encampment-banning policy has not been successful in reducing the number of unsheltered homeless, but the impact of policies depends on factors including trends in the housing market, government investment into affordable housing, and the availability of shelters. These factors must be taken into account when considering the impact encampment-banning policy will have. As demonstrated by the differing outcomes of the encampment-banning policies between Sacramento, Manchester, and Miami, it’s also critical to consider the implementation and penalties of encampment-banning policy to ensure it does not further worsen the quality of life of the homeless and further aggravate the issue of homelessness.

Fundamentally, though, it is important to remember that policies that ban homeless encampments are not necessarily to directly reduce the unsheltered homeless count; rather, policies such as San Diego’s Unsafe Camping Ordinance were explicitly stated to be for connecting homeless people to shelters and services and providing relief for the housed community impacted by the unsafe and unsanitary encampments. If encampment-banning policies are implemented without effort to connect unsheltered homeless people to shelters and services to support the homeless, policymakers cannot expect a reduction in the unsheltered homeless proportion. If the encampment-banning policies are made to redirect the homeless to shelters and services, however, a longitudinal study could perhaps determine the effectiveness of encampment-banning policies in connecting homeless people to services and reducing overall

homelessness. Ultimately, the impact of the encampment-banning policy could be better understood through further research on the psychological impact of the encampment-banning policy and research into the impact of different punishments.

Data Availability

Most homelessness data can be found at <https://www.hudexchange.info/resource/3031/pit-and-hic-data-since-2007/> and homelessness data for New Hampshire can be found at <https://www.dhhs.nh.gov/programs-services/homeless-services/nh-homeless-data-hub>. Population data can be <https://www2.census.gov/programs-surveys/popest/tables>. Data for the cost of living can be found at <https://www.bestplaces.net/> and <https://www.payscale.com/>.

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