News



Activists demonstrate at the Supreme Court as the justices consider a challenge to rulings that found punishing people for sleeping outside when shelter space is lacking amounts to unconstitutional cruel and unusual punishment, on Capitol Hill April 22 in Washington. (AP photo/J. Scott Applewhite)



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How can services for the unhoused best support the growing number of elderly clients or those grappling with fentanyl addiction? Are there enough feminine hygiene products for the street outreach teams this month? Where will funding come from for the next affordable housing project?

These are some of the countless matters on the minds of staff at Catholic agencies serving homeless populations in cities across the country. But recently added to the mix of concerns is an upcoming decision from the U.S. Supreme Court.

On April 22 the court heard arguments in a case from Grants Pass, Oregon, a small city located in a valley of the Klamath Mountain Range and about an hour's drive from the California border.

A decision in *City of Grants Pass*, *Oregon* v. *Johnson*, expected by the end of June, will determine if cities can implement laws that punish people for sleeping outside when there are no shelter options. It could be the most significant ruling affecting homeless people in decades and may have broad repercussions nationwide — especially in West Coast cities, where escalating housing costs, a shortage of units and a confluence of other challenges have led to a mounting number of homeless individuals.

Grants Pass' ordinances outlaw camping or sleeping in public spaces, including in parked cars, and can impose jail time and $295 fines that increase substantially if not paid. The U.S. Conference of Catholic Bishops filed a legal brief opposing the ban, and Catholic Charities USA and several Catholic service agencies signed on to a brief in opposition. Dozens of governments, lawmakers and advocacy organizations have weighed in.

In recent interviews with NCR, some leaders at Catholic-backed nonprofits declined to publicly decry camping bans as a whole and noted that not all such laws are alike; one recently approved in Portland, Oregon, for instance, allows people to camp on public property if shelter spots are not available.



Rose Bak, chief program officer at Catholic Charities of Oregon (Courtesy of Catholic Charities of Oregon)

Yet they expressed a range of concern and fear about the impact of a court ruling in favor of Grants Pass. They described how bans might influence their work and the ways they may make the lives of the most vulnerable even more difficult.

"Criminalizing homelessness doesn't get people into housing," said Rose Bak, chief program officer at the Portland-based Catholic Charities of Oregon. "Do you throw

people in jail where they will be further traumatized and also rack up debt that would prevent them from getting housing?"

Several states and cities have implemented an assortment of camping bans on public property in recent years as a way to address homelessness, which according to the 2023 government count rose to a record 653,000 homeless individuals, up 12% from the year prior.

Michael Raposa is chief executive officer of St. Vincent de Paul CARES, a social service agency in St. Petersburg, Florida, that runs shelters and housing programs. In March, Florida Gov. Ron DeSantis, a Republican and a Catholic, signed a bill banning homeless people from sleeping in parks, on sidewalks and other public spaces.

"I'm holding my breath about the Supreme Court decision, and I think the nation is holding its breath," said Raposa. The Florida law, slated to go into effect Oct. 1, would have "a catastrophic effect on human beings," he said.

Under the legislation, if shelters are full people will be placed in designated encampments. Local entities are also required to offer improved access to mental health and substance abuse treatment.

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The San Francisco-based U.S. 9th Circuit Court of Appeals ruled in the Grants Pass case that municipalities cannot punish individuals for camping if they have no other shelter, maintaining that it violates the Eighth Amendment's prohibition against cruel and unusual punishment.

There is no public homeless shelter in Grants Pass, and the one consistent overnight shelter is a privately run Christian facility with limited space and strict requirements.

A number of cities, including Seattle, Las Vegas and Providence, Rhode Island, filed a brief asking the Supreme Court to support Grants Pass. Other cities and lawmakers, Gov. Gavin Newsom of California among them, have taken a middle-of-the-road approach, asking the court to ensure "well-intentioned" rules do not hamstring state and local governments' ability to implement "common-sense measures to keep people safe."

The legal brief filed on behalf of the U.S. bishops acknowledges "people of good will may disagree" on particular policy choices to address homelessness. But it says the Grants Pass ordinances are inconsistent with Catholic teaching, Western tradition and the Constitution, as well as "a vivid example of a new approach that is dehumanizing and dangerous."

During oral arguments in April, Supreme Court justices debated how to balance the civil rights of those who are homeless with those of city officials seeking to keep public spaces safe and accessible.

Scott Kerman is a lawyer and executive director of Portland's Blanchet House, originally founded in the model of a Catholic Worker house of hospitality and providing meals, shelter and clothing to those in need.



Scott Kerman, executive director of Blanchet House in downtown Portland, serves a meal to a guest near Christmas in 2019. (Courtesy of Blanchet House)

Kerman said he appreciates where some of the laws are coming from, especially in regard to individuals with disabilities. Those who are housed and disabled sometimes find their right-of-way encumbered by tents and belongings. But it's also important to recognize many of the unhoused are physically disabled and have nowhere accessible to go, said Kerman.

Raposa acknowledged that communities need to be safe — for instance having playgrounds clear of drug paraphernalia, a problem in Grants Pass and elsewhere.

"But camping bans are coming from an 'out of sight, out of mind' approach to the homeless," he said. "It's moving the problem to a place that's not seen by the general community in the hopes it will go away."

Raposa said an encampment with social services attached to it could be humane if that is the only option, as long as each community has a clear method and the money to permanently house people.

"If they don't have that in place then it's just wrong and we've lost sight of the solution," he said.

Robert McCann is president and CEO of Catholic Charities of Eastern Washington. Like Catholic Charities of Oregon, the Spokane-based nonprofit participated in a Catholic Charities USA pilot that aims to reduce chronic homelessness in five cities over a five-year period by, among other strategies, securing permanent supportive housing for those who need it.

McCann said there's been camping bans in Spokane and they haven't been enforced. "There are not enough police officers and not enough jail cells to enforce them in most cities," he said, adding that he doesn't see any value in ticketing or arresting a homeless person for sleeping outside.



Robert McCann, president and CEO of Catholic Charities of Eastern Washington (Courtesy of Catholic Charities of Eastern Washington)

It is the entire community's responsibility, "I would say even our sacred obligation," McCann said, to make sure people are able to sleep inside.

Bak worries a strict ban could hinder the work of outreach teams in Portland. If people are told to move along or else they will be penalized, "it can be harder to find them and engage them in services or build trust," she said. "It could make it more

difficult for all the community outreach workers to help get folks into housing and stabilized."

And most landlords perform background checks, so an arrest would show up during that process, she added.

Kerman told NCR a camping ban could place additional burdens on a community's criminal justice system. In Portland it is already a challenge to supply enough public defenders, he said, and jails and state hospitals are overwhelmed with people who are on mental health holds.

One of the most significant elements of the Supreme Court's decision is the question of whether or not a government can cite someone when there is nowhere for them to go. The Portland rules allow people who are homeless to camp on public property if shelters are full, which is often the case.

Bak, however, said attempts to insist on shelter use "do not seem to grasp the full complexity of the challenges" and that if sufficient beds were available some people still would not use them.

Because of past trauma, there are people fearful of large congregate environments, said Kerman. Members of Black, brown and Indigenous populations as well as the LGBTQ community "may have felt discriminated against or been harassed or abused due to being a member of those communities," he said.



Curtis Johnson, vice president of housing strategy for Catholic Charities USA (Courtesy of Catholic Charities USA)

Curtis Johnson, vice president of housing strategy for Catholic Charities USA, told NCR in an email that camps and temporary shelters are not the preferred outcome.

"The goal is to have people in permanent, affordable homes, and we view criminalizing homelessness via a ban as contrary to that vision," Johnson wrote.

At Blanchet House in downtown Portland, which serves 30,000 meals a month, Kerman said the unhoused are individuals with histories and experiences "and the same kinds of disappointments and ambitions and traumas and tragedies that befall all of us — plus the trauma of homelessness."

"With all the legal wrangling and ordinances and the political back-and-forth," said Kerman, "we have to remember our humanity and compassion."

Related: Amid record chronic homelessness, advocates and experts say there is a solution