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Contact: Liz Vogel, City Manager
(231) 922-4440
tcmanage@traversecitymi.gov

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Community Update on Homelessness

Supreme Court Rules on Grants Pass vs. Johnson

On June 28, 2024, the US Supreme Court released its decision in the case of *Grants Pass v. Johnson*. The Court ruled the enforcement of generally applicable laws regulating camping on public property does not constitute “cruel and unusual punishment” prohibited by the Eighth Amendment of the Constitution, and therefore the city of Grants Pass may enforce its camping ordinances in public parks.

The issue before the court in *Grants Pass* was the constitutionality of ordinances in an Oregon town that prohibit individuals experiencing homelessness from using blankets, pillows, or cardboard boxes for protection from the elements while sleeping within city limits. The city defended these ordinances, arguing that they uniformly prohibit camping on public property for everyone. The challengers argued that these ordinances effectively criminalize homelessness.

In the opinion, the Court acknowledged homelessness is a complex crisis with many causes, and the appropriate public policy responses are perhaps no less so. Further, the Court opined homelessness in this country has reached its highest levels since the government began reporting data on the subject in 2007; and those experiencing homelessness may be as diverse as the Nation itself—they are young and old and belong to all races and creeds. People become homeless for a variety of reasons, too, many beyond their control.

As the number and size of encampments have grown, so have the challenges they can pose for the homeless and others. The Court pointed out, for example, that the exponential increase in encampments in recent years has resulted in an increase in crimes both against the homeless and by the homeless.

The City of Traverse City has an ordinance related to camping that states no person shall camp within any park. No person shall park overnight any house trailer or camping vehicle in any park. A violation is a civil infraction.

Communities of all sizes are grappling with how best to address these challenges. The Supreme Court's decision impacts how cities across the United States manage encampments, and allows flexibility for how Traverse City may manage the situation at the Pines.

“The Supreme Court's decision preserves to the individual municipalities the decision as to which policy responses to the homelessness crises are best. There may be disagreement in that regard, but we will continue to examine our practices, balance the needs and interests of housed and unhoused community members and work with our local partners to address these complicated issues. Understanding the specific legal and practical implications of the Supreme Court's decision will help in shaping policies that are both compassionate and legally sound.” stated Lauren Tribble-Laucht, City Attorney.

“The issue of camping recreationally in a city park or on public property versus camping because you have nowhere else to go is markedly different. As we continue to collaborate with our partners to address the homeless situation in Traverse City, the health and safety of all community members remain our priority. The Supreme Court’s decision allowing the City to enforce its camping ordinance does not solve the issue of homelessness. The City will move forward with a compassionate and effective approach,” stated Traverse City Mayor, Amy Shamroe.

“The City and Police Department plan to continue managing the situation at the Pines in a way that balances the interest of the entire community, including those who are unhoused. From a law enforcement perspective, the City’s approach emphasizes compassion yet is strategic in nature. We will continue to collaborate with community partners to provide services and support to unhoused individuals while maintaining public order and ensuring the safety of all residents,” said Traverse City Police Chief, Matt Richmond.

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