

# Grants Pass Supreme Court Decision: How it affects California



July 26, 2024

## How is California responding to the Supreme Court's ruling?

In response to the Supreme Court ruling, Governor Newsom issued [Executive Order N-1-24](#) on July 25, 2024. This Order directs state agencies and departments to move with urgency and compassion in addressing encampments on state property.

As the state's leader in ending and preventing homelessness, the California Interagency Council on Homelessness (Cal ICH) will continue to support agencies and departments in their design and implementation of policies, funding and programs that serve people experiencing homelessness, including those described in Executive Order N-1-24. To ensure state and local partners incorporate evidenced-based practices in their respective encampment responses, Cal ICH will host a series of webinars throughout the month of August 2024.

Furthermore, per [Welfare and Institutions Code \(WIC\) section 8256](#), Cal ICH will continue supporting state agencies and departments in adopting guidelines and regulations that incorporate the core components of Housing First into, "any programs a California state agency or department funds, implements, or administers for the purpose of providing housing or housing-based services to people experiencing homelessness or at risk of homelessness."

## What is the City of Grants Pass v. Johnson case?

The City of Grants Pass v. Johnson is a federal court case brought by unhoused persons in Grants Pass, Oregon, who argued that the City's practice of ticketing unhoused individuals for camping in public violated the Eighth Amendment of the United States Constitution, which prohibits the government from imposing "cruel and unusual punishment" on criminal defendants. The Ninth Circuit Court of Appeals, which includes California, upheld the decision.

On June 28, 2024, the Supreme Court ruled that enforcing laws that prohibit camping on public property is not cruel and unusual punishment. As a result, local governments across the country may freely enforce laws regulating camping on public property.

## **How does this ruling impact cities and counties in California?**

Cities and counties will have more flexibility to address encampments and enforce laws regulating public camping. However, to ensure the safety, wellness, and dignity of persons experiencing homelessness, Cal ICH remains committed to supporting state and local partners in using person-centered, trauma-informed, and evidence-based approaches to address homelessness. Cal ICH will continue to identify and share resources to support local planning efforts and encourages local partners to incorporate these elements when addressing the housing and services needs of persons experiencing unsheltered homelessness. Additional emerging, promising, and evidence-based best practice resources can be found on Cal ICH's newly relaunched Resource Library.

The Department of Housing and Community Development (HCD) will be making additional funding available for the Encampment Resolution Fund (ERF) program. The program provides competitive grant funding to assist local jurisdictions in providing services and supports to people experiencing homelessness in encampments and to provide meaningful paths to safe and stable housing. Eligible applicants include counties, Continuums of Care (CoCs), and cities of any size. Please contact [hpddhomelessnessgrants@hcd.ca.gov](mailto:hpddhomelessnessgrants@hcd.ca.gov) for more information.

Cal ICH encourages all state and local partners to reach out with any questions on best practices for working with people experiencing unsheltered homelessness. All questions can be directed to [calich@bcsh.ca.gov](mailto:calich@bcsh.ca.gov).