

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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Homeless Houstonians Granted Temporary Restraining Order to Prevent Arrests for Public Camping

HOUSTON, TX (August 22, 2017)—Homeless residents of Houston have been granted a temporary restraining order prohibiting the City of Houston from enforcing an anti-camping ordinance against homeless people for sheltering themselves in public. The residents are represented by the National Law Center on Homelessness & Poverty, the ACLU of Texas, and Dechert LLP.

The residents asked the court for the injunction after Houston Police Department officers visited the Wheeler encampment last week, issued citations, threatened arrest, and ordered homeless people to take down their tents despite a lack of available emergency shelter space.

“When shelters are full, people experiencing homelessness have nowhere else to go,” said Maria Foscarinis, executive director at the National Law Center on Homelessness & Poverty. “It’s an added cruelty to arrest them for life-sustaining activities such as sleeping. They’re simply trying to survive.”

Houston recently amended its Code of Ordinances to prohibit “unauthorized use of ... a tent or other temporary structure for living accommodation purposes or human habitation” in public. A police officer may arrest people for camping after issuing written and verbal warnings.

“Rather than waste resources on arresting homeless people for sheltering themselves, which is a basic human necessity, the City of Houston should pursue a more compassionate and cost-effective solution to homelessness, like permanent housing,” explained Tristia Bauman, senior attorney at the National Law Center on Homelessness & Poverty.

The temporary restraining order, issued by U.S. District Judge Kenneth M. Hoyt, states, “The evidence is conclusive that [the plaintiffs] are involuntarily in public, harmlessly attempting to shelter themselves—an act they cannot realistically forgo, and that is integral to their status as unsheltered homeless individuals. Enforcement of the City’s ban against the plaintiffs may, therefore, cause them irreparable harm by violating their Eighth Amendment right to be free from cruel and unusual punishment due to their status of ‘homelessness.’”

There is a growing list of lawsuits against cities across the country attempting to enact bans that disproportionately impact people experiencing homelessness. According to the National Law Center on Homelessness & Poverty’s report [Housing Not Handcuffs](#), 75 percent of cases

challenging laws that restrict camping, sleeping in public, and evictions of homeless encampments have been successful since 2014.

[The temporary restraining order can be viewed here.](#)

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The National Law Center on Homelessness & Poverty (the Law Center) is the only national organization dedicated solely to using the power of the law to prevent and end homelessness. With the support of a large network of pro bono lawyers, we address the immediate and long-term needs of people who are homeless or at risk through outreach and training, advocacy, impact litigation, and public education.