



September 22, 2026

Mayor Joseph Petty
Vice-Chair Councilor Khrystian King
Councilor Morris Bergman
Councilor Satya Mitra
Councilor Gary Rosen
Councilor Kathleen Toomey
Councilor Tony Economou
Councilor Robert Bilotta
Councilor John Fresolo
Councilor Luis Ojeda
Councilor Jose Rivera
City Manager Eric Batista
Via email

Re: Item 18B, Ordinance Amending Ch. 12, Sec. 30 relative to camping on public property

Dear Mayor Petty, Councilmembers, and City Manager Batista:

I write on behalf of the National Homelessness Law Center (“Law Center”), regarding Item 18B, the Proposed Ordinance on camping. The Proposed Ordinance seeks to prohibit camping on public property and enact a penalty of \$25.00 for violations. *See* Eric Batista, Letter re: “Disrupting the Cycle,” (Sept. 15, 2026). We are concerned that the Proposed Ordinance takes Worcester away from evidence-based approaches to homelessness and threatens the constitutional and human rights of unhoused Worcester residents for attempting to shelter themselves, even when there is no available alternative, and we urge you to reject the ordinance and promote housing solutions in Worcester instead.

The Law Center is a national legal advocacy organization that works to solve homelessness and protect the unhoused population’s civil and human rights. The Law Center has [documented](#) the failures and costs of criminalization in more than 180 cities across the United States and [published](#) best practices, model policies, and case studies on how to address homelessness constructively. The Law Center’s reports demonstrate that laws like the Proposed Ordinance do not address the underlying causes of homelessness, and instead injure homeless persons’ rights and waste taxpayer resources.

We appreciate the concern that Worcester has shown for its residents without housing, including the repeated statements in the City Manager’s report that homelessness is not a crime and should not be treated as such. This makes it confusing that the **ONLY** binding action being proposed by the Council today is to treat the basic acts of survival—sleeping and sheltering oneself—action that we **ALL** must do every day, as crimes for people who have nowhere else to do them. The Proposed Ordinance does not bind the community to ensuring adequate alternative housing or

shelter for all who need it, nor does it stop the police from enforcing the ordinance even if those alternatives do not exist, which the report itself acknowledges they do not.

The public health of people forced to live in encampments is a valid concern, but as the American Public Health Association has stated, law enforcement against is not a [public health response](#). If people are going to the bathroom outside, the public health response is to open up more public bathrooms, either indoors or portapotties. If there is litter, the public health response is to install trash receptacles, including sharps containers. And if there are fire hazards from people trying to stay warm or cook food, the public health is to get people inside where they can do those activities. Causing people to avoid police officers and the fines they threaten will not solve any of those public health problems.

Basic acts of survival should not be treated as crimes. There are a myriad of options that do not result in the criminalization of individuals experiencing homelessness for existing in public spaces. In fact, arresting people for merely sleeping outdoors is not permitted by the U.S. Constitution, and the repeated arrest and incarceration of the chronically homeless is both ineffective and costly.

Although the Supreme Court in the recent case of *Grants Pass v. Johnson* held that the Eighth Amendment does not prohibit laws that make sleeping in public a crime, it left open whether other constitutional provisions may limit cities' ability to prosecute people for conduct that is generally innocent.¹ In fact, the Court has repeatedly invalidated laws that criminalize activities "which by modern standards are normally innocent."² Moreover, in *Grants Pass*, the Court explicitly acknowledged that other constitutional provisions besides the Eighth Amendment may limit a prosecutor's power to enforce camping and lodging ordinances in a discriminatory manner against individuals experiencing homelessness.³

It is also important to consider the principle of fairness. All of us may want to spread a picnic blanket in the park to have a bite and take a nap, or shelter ourselves from the elements while waiting outside a store for a new product release. By the words of the ordinance itself, those actions should be criminalized. The only thing differentiating those actions from an unhoused person's is that housed residents have a choice to go home, whereas unhoused ones need to do it to survive. It should not be our unhoused neighbors, who have no choice, who are penalized.

Criminalizing homelessness, as encouraged by the Proposed Ordinance, makes obtaining housing harder. The Proposed Ordinance describes punishment for an initial violation as being a \$25 fine, with each day of violation subject to an equal fine. This approach is contrary to the strategies identified by the U.S. Department of Housing and Urban Development ("HUD") and the [U.S. Interagency Council on Homelessness](#).

Lack of affordable housing causes homelessness. The Proposed Ordinance ignores the [true cause of homelessness](#), lack of affordable housing. One half of Worcester Renters suffer cost burdens, with a full 1 in 4 of Worcester Renters suffering [severe cost burdens](#), meaning they pay more

¹ *City of Grants Pass v. Johnson*, 144 S. Ct. 2202, 2215 (2024).

² *See, e.g., Papachristou v. City of Jacksonville*, 405 U.S. 156, 163 (1972); *Edwards v. California*, 314 U.S. 160, 177 (1941) (striking down an ordinance that made it a crime to transport "indigent" persons into California and recognizing that "poverty and immorality" "are not synonymous").

³ *Grants Pass*, 144 S. Ct. at 2215, 2218 n.5; *see also id.* at 2242-2243 (Sotomayor, J., dissenting).

than 50% of their income on rent every month. Under the Proposed Ordinance, one of those hardworking residents, or an elder on fixed income, who loses their housing because their rent is too high and there is nowhere else for them to rent, would likely be criminalized and thrown in jail just for trying to keep out of the weather. This approach does nothing to solve the structural housing crisis causing homelessness. Instead, it punishes the people who are already the victims of it.

The Proposed Ordinance undermines housing efforts. The only way to permanently end encampments is to end the need for encampments. Housing and services programs are the most effective, evidence-based approach. For example, while Milwaukee County’s housing and services initiative costs \$2 million annually, it reduces annual Medicare costs by \$2.1 million, mental health costs to the county by \$715,000, and legal system costs by \$600,000—[a net savings to Milwaukee County of \\$1.4 million annually](#). Through this approach, Milwaukee has reduced its homeless population by 70 percent, down to [only 17 unsheltered persons](#) at the last count. As another example, Gainesville, Florida, adopted a planned phase out of an unregulated 222-person encampment which, through a process with deep involvement of the directly impacted encampment residents, was moved to a temporary site adjacent to the main shelter and service provider, who then worked to house every person living in the encampment, eventually closing the camp altogether. [This program](#) was closely monitored and succeeded in closing the encampment without a single arrest, less than a 10% dispersal rate into the community, and 150 successful placements into permanent housing in less than two years. A [2017 study](#) concluded that given “striking cost discrepancies and savings,” it is “fiscally irresponsible, as well as inhumane” not to provide permanent housing for people experiencing homelessness.

The proposed displacement of existing encampments threatens resident lives. Although the City Manager’s report raises concerns around public health and safety with encampments, studies demonstrate that displacing encampment residents without providing alternatives, as encouraged by the Proposed Ordinance, threatens the life and health of encampment residents. [Research](#) shows that for people experiencing homelessness, “their decisions about where to stay represent pragmatic choices among the best available alternatives, based on individual circumstances at a particular moment in time” and thus “[e]ncampments form in response to the absence of other, desirable options for shelter.” Because people experiencing homelessness have heightened risks of serious illness, hospitalization, and early morbidity compared with the general population, they are especially vulnerable to [serious harms flowing from loss of their shelters and other property](#). For many unsheltered homeless people, [property loss is “the greatest threat” to their survival](#). Makeshift housing, like tents, offer protection, however rudimentary, from outdoor elements and allows the homeless citizens to seek shelter in locations where they feel most safe (relatively speaking). The destruction and removal of their tents and other temporary structures exposes already vulnerable individuals to increased risk of serious physical harm.⁴

The Proposed Ordinance creates an unnecessary burden on law enforcement officers and undermines community trust in law enforcement. First, criminalizing homelessness unnecessarily increases the potential for violent encounters between police and civilians. Both civilians and officers face danger in any encounter, not merely those that involve stopping in-

⁴ See [Jeremiah v. Sutter Cty.](#), No. 2:18–cv–00522–TLN–KJN, 2018 WL 1367541, at *4, *12 (E.D. Cal. Mar. 16, 2018) (“[T]he Court finds that Sutter County would knowingly place the homeless at increased risk of harm if it confiscates and seizes Plaintiffs’ shelters and possessions”).

progress crimes, serving warrants on armed suspects, or other higher-risk police activity. Part of this danger is because officers are “trained to presume danger” in virtually any encounter, and they react accordingly in ways that increase the likelihood of “anticipatory killings.” Additionally, law enforcement encounters with unhoused people are more dangerous than the average encounter between an officer and a civilian because of the specific characteristics of unhoused populations, *i.e.*, racial and ethnic minorities and people living with mental illness.

Second, camping bans foist social issues onto law enforcement agencies that are not equipped to address them and divert limited police resources away from solving crimes. Even officers with extensive guidance and training are ill-suited to respond to issues involving unhoused people because their primary training to fight serious crime is wholly at odds with engaging in social issues like homelessness, much less solving it. Further, directing law enforcement to respond to non-violent public camping stops them from spending time on activities that matter the most, which contributes to declining clearance rates that have predictable and negative effects on public safety.

Lastly, criminalizing homelessness is also detrimental to law enforcement because it erodes community trust. Because negative interactions with law enforcement can leave unhoused people skeptical of all government workers, these unnecessary police encounters can make it difficult or even impossible for government-employed service providers to connect unhoused people with shelter and other welfare services. By contrast, connecting unhoused people with government-employed service providers reduces the possibility of dangerous encounters with police officers not trained to handle the homelessness crisis. This in turn will increase community trust in law enforcement, aiding officers’ abilities to do their jobs.

The Proposed Ordinance will reduce the effectiveness of social services outreach. The Proposed Ordinance will reduce the effectiveness of social services outreach to homeless persons by conditioning the funding for such outreach on mandatory police and enforcement of State laws criminalizing homelessness. Communities that have made progress on solving street homelessness have accomplished it through social services outreach and adequate housing, not law enforcement. The involvement of police undermines the effectiveness of social services outreach as many people living unsheltered have had a traumatic encounter with the police.

Mental health is best addressed through housing and services, not coercion. Research spanning decades shows that mental health problems and homelessness have a bi-directional relationship. A 2022 study revealed that 21% of individuals experiencing homelessness reported having “serious mental illness” and 16% reported substance use disorder, rates significantly above average. Homelessness has also been linked to higher suicide rates—10 times higher than the general population. Involuntary and coercive treatment, such as what is proposed by this Proposed Ordinance, is especially harmful. For people experiencing homelessness, a 2023 study of involuntary hospitalization and coercive treatment for people with mental illnesses cautioned against a “regressive . . . out of sight, out of mind” approach to homelessness policy. Suffice to say, coercion is inadequate and counterproductive.

Instead, Worcester should invest in a proven solution: guaranteed housing with voluntary services. This approach leads to reductions in both emergency services utilization and

entanglements with the criminal legal system. For people living with mental health disabilities and experiencing substance use disorders, stable and permanent housing is crucial because [“finding stability and staying connected to treatment, even with the proper supports, is next to impossible while living outdoors, in a tent or a vehicle.”](#) Housing with voluntary services is a threshold requirement before anyone can reasonably be expected to engage in serious mental health treatment.

The Proposed Ordinance is based on the false assumption, also known as the myth of “service resistance,” that people choose homelessness and treatment aversion over appropriate services that are available. People cannot reject non-existent services, and the Proposed Ordinance does nothing to fund much-needed services. The “service resistance” myth, and the rhetoric that accompanies it, are born from harmful stereotypes, false narratives, and incomplete or misconstrued information about the realities in which unhoused individuals live. To the extent that services exist, many people with mental disabilities who are living unsheltered have had [have experienced invasions of their privacy in unsanitary congregate shelter settings](#) or have been disappointed by unfulfilled promises of overworked case managers in an underfunded social services system. These experiences provide legitimate justifications for [wariness to engage with ineffective or inaccessible programs labeled as “services.”](#) The perpetuation of the “service resistance” myth allows systems and institutions to evade critical review, while shifting the blame for homelessness and mental health crises to those most affected.

The Proposed Ordinance is Inherently Discriminatory. The Proposed Ordinance will have a discriminatory impact on the city’s most marginalized populations. Homelessness disproportionately impacts [persons of color, the LGBTQ+ community](#), and persons with disabilities. For example, [Black Americans](#) represent 40% of people experiencing homelessness nationally, despite constituting less than 13% of the overall population. Moreover, laws criminalizing homelessness are inequitably enforced. [Unhoused Black and Latinx people are 9.7 and 5.7 times more likely](#) to be cited under laws criminalizing homelessness than white people. The Proposed Ordinance’s criminalization of homelessness will exacerbate the inequality in arrests, incarceration, fines and fees and other collateral consequences of criminal justice involvement.

The Proposed Ordinance May Increase Fiscal Costs. If Worcester is interested in reducing costs, numerous studies have shown that communities save money by providing housing and services to those in need, rather saddling them with fines, fees and arrest records and cycling them through expensive hospital and jail systems. For example, [Los Angeles spends over \\$100 million annually addressing homelessness](#), including \$50 million annually policing criminal and civil anti-homeless laws. This is not only expensive, but exacerbates homelessness instead of solving it.

Though it may hide the costs in the law enforcement and jail budget, the Proposed Ordinance will incur significant costs for Worcester and its taxpayers—without solving the problem of homelessness. Further, because “[o]nce housed, people can more easily and effectively work toward resolving issues such as alcoholism, drug addiction, and mental illness,” [research](#) shows that “[i]t costs far less for cities to invest in non-punitive alternatives that actually solve homelessness.” For example, the [Economic Roundtable of Homelessness](#) in Los Angeles found that housing reduced average monthly spending by 41% per person, even after including the cost

of providing housing. This savings included a 95% reduction in jail facilities and services costs. If the city's true interest is in public health, safety, and economic growth, it could make a much better investment by providing housing and services, rather than making it harder for people to exit homelessness due to criminal penalties and arrest records.

Communities must develop a credible plan for housing. Homelessness ends with a home. However, no single policy will end homelessness overnight, but Housing First as a policy framework, working in tandem with other supportive policies, can help to reduce the inflow into homelessness, and make it easier for individuals and families to exit. A well-resourced and strategic housing plan will reduce or eliminate the need for encampments, arrest, adjudication, and other costly taxpayer expenses, both of which will ultimately eliminate encampments by eliminating the need for encampments.

We encourage you to include unhoused individuals in your affordable housing policy-making and urge you to consider the following solutions:

- Establish permanent supportive housing options. As an example, localities across Florida and the country are in the process of purchasing and redeveloping vacant hotels/motels for conversion to permanent housing. Providing permanent housing to individuals or families experiencing homelessness is a tested and [proven](#) effective way to reduce the number of people living outdoors or in temporary shelters.
- Reduce barriers to entry for individuals and families seeking permanent housing. According to the [United States Interagency Council on Homelessness](#), typical barriers that undermine the success of a person's relationship with permanent supportive housing programs are mandatory sobriety, minimum income requirements, lack of a criminal record, completion of treatment, participation in services, or other unnecessary conditions that lead to the rejection of a potential participating like poor credit or financial history, poor or lack of rental history, and minor criminal convictions.
- Create communication mechanisms to ensure unhoused individuals and families have understanding and easy access to supportive services that lead to permanent housing. Face to face, in-person communication between service providers or liaisons and community members in need is the best way to reduce barriers to entry for services.
- Seek funding from state and federal partners to create and sustain permanent supportive housing.
- Ensure resource information or brochures are available at all regularly-visited public offices, including school administration offices, shelters, food banks, utility offices, etc.
- Reassess and revise zoning laws to promote increased affordable housing, including a specific focus on housing for individuals or families with little to no income.
- Income supports to reduce the gap between people's incomes and housing costs such as increases to the minimum wage, renters tax credits, rental vouchers, and rent stabilization measures.
- Tenant protections such as emergency rental assistance, just cause eviction laws, source of income non-discrimination protection, prospective tenant screening limitations, and right to counsel in eviction cases.

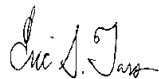
- Measures to preserve affordable housing such as community land trusts, public housing, expansion of multi-family and supportive housing zoning by right, and tenant opportunity to purchase legislation.

See additional details on these affirmative policy levers at <https://housingequityframework.org/policy-levers>.

We all wish to end homelessness in Worcester—but the best, most cost-effective and permanent strategy is to ensure that all who are unsheltered have access to a safe place to live. Criminalizing being unsheltered without providing housing just displaces people experiencing homelessness and inevitably leads to subsequent encampments. Instead, we urge you to follow best practices and controlling legal precedent and not support the Proposed Ordinance. Permanent housing, with adequate local support, if needed, is the proven best way to help people exit homelessness. In contrast, criminalization will only exacerbate and prolong homelessness.

Please contact me at etars@homelesslaw.com to further discuss the Proposed Ordinance or related issues.

Sincerely,



Eric S. Tars
Senior Policy Director
National Homelessness Law Center