



December 3, 2024

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Via email

Dear Mayor and Members of the Gainesville City Commission,

We write on behalf of the National Homelessness Law Center (“Law Center”), Southern Legal Counsel (“SLC”), Southern Poverty Law Center (“SPLC”), and Florida Justice Institute (“FJI”) regarding the City’s implementation of § 125.0231, Fla. Stat. (as passed in HB 1365, 2024) and consideration of Ordinance 2024-834, prohibiting public camping and sleeping. We urge you not to enact an ordinance criminalizing sleeping outdoors and to consider the following best practices as you determine how to implement the law’s requirements.

A. Fla. Stat. § 125.0231 does not require local governments to criminalize homelessness, and basic acts of survival should not be treated as crimes.

We first emphasize that there is nothing in the new law that requires local governments to arrest unsheltered individuals for sleeping or camping outdoors or to otherwise criminalize life-sustaining conduct. Fla. Stat. § 125.0231 allows each county or municipality to choose how it will comply with the law. And there are myriad options that do not involve criminalizing individuals experiencing homelessness for existing in public spaces. 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 recently held that the Cruel and Unusual Punishments Clause of the Eighth Amendment does not prohibit enforcement of generally applicable public-camping laws, it stressed that numerous other constitutional provisions “may have important roles to play when States and cities seek to enforce their laws against the homeless.” *City of Grants Pass v. Johnson*, 144 S. Ct. 2202, 2215, 2220, 2224 (2024). The *Grants Pass* Court explicitly acknowledged, for instance, that if “cities selectively ‘enforce’ their public-camping laws only against homeless persons . . . it may implicate due process and [Supreme Court] precedents regarding selective prosecution.” *Id.* at 2218 n.5. In fact, the Court has repeatedly applied the Due Process Clause to strike down laws that



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criminalize activities—such as sleeping in public—“which by modern standards are normally innocent.” See *Papachristou v. City of Jacksonville*, 405 U.S. 156, 163 (1972) (striking down vagrancy law); see also, e.g., *Winters v. New York*, 333 U.S. 507, 520 (1948) (a law cannot “make criminal an innocent act”); *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”). In Florida, sleeping is “essentially innocent” activity that cities may not make criminal. *State v. Penley*, 276 So. 2d 180, 181 (Fla. 2d DCA 1973); see also *City of Pompano Beach v. Capalbo*, 455 So. 2d 468, 470–71 (Fla. 4th DCA 1984).

Nor should communities misuse other laws to criminalize homelessness or coerce unsheltered people into legalized campsites. Trespass laws may not be used to banish individuals experiencing homelessness from public space without due process. See *Catron v. City of St. Petersburg*, 658 F.3d 1260, 1266–69 (11th Cir. 2011). Trespass warnings must be appealable and may not be issued for otherwise lawful and innocent conduct or at the unbridled discretion of law enforcement. *Id.* Soliciting charitable contributions (sometimes called “panhandling”) is also protected speech, and laws that infringe upon requests for charity are presumptively unconstitutional. See *Scott v. City of Daytona Beach*, 689 F. Supp. 3d 1160, 1166–69 (M.D. Fla. 2023); *Messina v. City of Fort Lauderdale*, 546 F. Supp. 3d 1227, 1243–46 (S.D. Fla. 2021); *Homeless Helping Homeless, Inc. v. City of Tampa*, 2016 WL 4162882, at *3–5 (M.D. Fla. Aug. 5, 2016).

As Gainesville considers how it will implement Fla. Stat. § 125.0231, we urge you to avoid tactics that will infringe upon the basic rights and dignity of your unhoused community members.

B. Criminalizing homelessness is ineffective and expensive.

Because people experiencing homelessness are not on the street by choice but because they lack safe, affordable housing with appropriate services where needed, punishment serves no constructive purpose. Evidence shows that criminalization policies do not reduce homelessness¹ or increase public safety² or lead to shelter and service utilization, but instead undermine the ability of

¹ Hannah Lebovits & Andrew Sullivan, Do Criminalization Policies Impact Local Homelessness? Exploring the Limits and Concerns of Socially Constructed Deviancy 1 (Feb. 4, 2024), <https://ssrn.com/abstract=4716230>.

² Richard Berk & John MacDonald, *Policing the Homeless: An Evaluation of Efforts to Reduce Homeless-Related Crime*, 9 *Criminology & Pub. Pol’y* 813, 813 (2010), <http://dx.doi.org/10.1111/j.1745-9133.2010.00673.x>; Dennis P. Culhane, *Tackling Homelessness in Los Angeles’ Skid Row: The Role of Policing Strategies and the Spatial Deconcentration of Homelessness*, 9 *Criminology & Pub. Pol’y* 851, 852 (2010), <http://dx.doi.org/10.1111/j.1745-9133.2010.00675.x>.



service providers to aid clients.³ Even a short stay in jail can lead to loss of possessions, employment, healthcare, shelter, and services.⁴ Court fines and fees are nearly impossible for an unhoused person to pay, leading to debt and additional barriers to exiting homelessness.⁵ The use of law enforcement and criminalization measures may temporarily clear an encampment from public view, but without connection to adequate shelter, housing, and supportive services, that practice does not succeed in addressing homelessness.⁶

Though it may shift the costs to the law enforcement and jail budgets, arresting people for sleeping outside will incur significant costs for Gainesville and its taxpayers—without solving the problem of homelessness. Numerous studies have shown that communities save money by providing housing and services to those in need, rather than saddling them with fines, fees and arrest records and cycling them through expensive hospital and jail systems.⁷

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.”⁸

³ Yok-Fong Paat et al., *Insights from the Shelter: Homeless Shelter Workers’ Perceptions of Homelessness and Working with the Homeless*, 32 J. Prog. Human Servs. 263, 263 (2021), <https://doi.org/10.1080/10428232.2021.1969719>; Suzie S. Weng & Paul G. Clark, *Working with Homeless Populations to Increase Access to Services: A Social Service Providers’ Perspective Through the Lens of Stereotyping and Stigma*, 29 J. Prog. Human Servs. 81, 81 (2017), <https://doi.org/10.1080/10428232.2018.1394784>.

⁴ Chris Herring, *Complaint-Oriented Policing: Regulating Homelessness in Public Space*, 84 Am. Socio. Rev. 769, 788 (2019), <http://dx.doi.org/10.1177/0003122419872671>.

⁵ Chris Herring et al., *Pervasive Penalty: How the Criminalization of Poverty Perpetuates Homelessness*, 67 Soc. Problems 131, 131 (2020), <https://doi.org/10.1093/socpro/spz004>.

⁶ U.S. Interagency Council on Homelessness, 7 *Principles for Addressing Encampments* (June 2022), https://www.usich.gov/sites/default/files/document/Principles_for_Addressing_Encampments_1.pdf; see also U.S. Interagency Council on Homelessness, *All In: The Federal Strategic Plan to Prevent and End Homelessness*, https://www.usich.gov/sites/default/files/document/All_In.pdf (“Many communities have made it illegal for people to sit or sleep in public outdoor spaces or have instituted public space design that makes it impossible for people to lie down or even sit in those spaces. . . . [T]hese ‘out of sight, out of mind’ policies can lead to lost belongings and identification which can set people back in their pathway to housing; breakdowns in connection with outreach teams, health care facilities, and housing providers; increased interactions with the criminal justice system; and significant traumatization—all of which can set people back in their pathway to housing and disrupt the work of ending homelessness.”).

⁷ See Nat’l Homelessness L. Ctr., *Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities* 71–72 (2019), <https://homelesslaw.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf>.

⁸ See Herring *supra* note 5.



Two Florida communities have demonstrated these cost savings. A 2014 study in central Florida found that the average annual costs of arrest, incarceration, medical and psychiatric emergency room use, and inpatient hospitalizations was \$31,065 per chronically homeless individual, while offering permanent supportive housing to chronically homeless individuals resulted in a community cost savings of \$21,014 per person per year.⁹ A similar study in Jacksonville found a 30% cost savings across all systems (hospitalizations, emergency care, arrests, jail booking, and incarceration costs) for 68 participants over a two-year time period before and after they obtained permanent supportive housing; the costs of arrests and jail dropped by 70%. Participants also reported a 30.9% decrease in suicidality, a 20% decrease in agoraphobia, and a 19.9% decrease in drug abuse or dependence after two years in housing.¹⁰

If Gainesville’s true interest is in public health, safety, and economic growth, it should make the more fiscally responsible investment of providing housing and services, not arrests and criminal punishment, which only make it harder for people to exit homelessness.

C. Affordable and permanent supportive housing are better policy choices than emergency shelters and designated encampments.

Diverting resources to emergency, short term solutions is neither a practical nor effective response to homelessness without focused attention on permanent supportive housing and affordable housing. The significant deficit of affordable rental housing in Florida¹¹ makes it extremely unlikely that individuals in emergency shelters and legalized encampments will be able to exit to permanent housing unless communities invest in solving underlying housing shortages.¹² Other communities that have banned camping outside of legalized campsites have found establishing those campsites to be

⁹ See Gregory A. Shinn, *The Cost of Long-Term Homelessness in Central Florida* 28 (2014), shnny.org/uploads/Florida-Homelessness-Report-2014.pdf.

¹⁰ See Affordable Hous. Fin., *Supportive Housing Study Finds Cost Savings, Health Improvements* (Dec. 10, 2018), https://www.housingfinance.com/news/supportive-housing-study-finds-cost-savings-health-improvements_o.

¹¹ Most communities in Florida are cost-burdened or severely cost-burdened, paying between 30 and 50% of household income in rent. See Harvard Joint Center for Housing Studies, <https://www.jchs.harvard.edu/son-2024-cost-burdens-map>.

¹² See Evanie Parr, *It Takes a Village: Practical Guidance for Authorized Homeless Encampments*, Seattle Univ. Sch. of L. Homeless Rts. Advoc. Project 36 (May 4, 2018), <https://digitalcommons.law.seattleu.edu/hrap/13> (“very few” individuals exited encampment into permanent housing in San Diego); *id.* at 40 n.218 (only 9 of 140 individuals exited encampment into housing in Tacoma, Washington); *id.* at 31–32 (noting that residents of a legalized encampment in Portland, Oregon, were living there “indefinitely,” despite the camp’s purpose as a transitional living space).



both incredibly expensive¹³ and ineffective at reducing unsanctioned camping and homelessness overall.¹⁴

Decades of research and evidence demonstrate that providing housing and services—not temporary encampments under threat of arrest or high-barrier emergency shelter—reduces homelessness.¹⁵ Systematic reviews demonstrate that the Housing First approach¹⁶ leads to “a quicker exit from homelessness and greater housing stability over time.”¹⁷

Beyond these studies, several cities’ experiences corroborate the efficacy of housing and services programs. Houston implemented a Housing First strategy, successfully reducing homelessness by 63 percent since 2011.¹⁸ Specifically, Houston moved more than 25,000 people experiencing homelessness directly into apartments and houses, with the majority of them remaining housed after two years. Ten years ago, homeless veterans in Houston waited an average of 720 days to receive housing; currently, they wait only 32 days. Following Houston’s model, Atlanta reduced its homeless population by 38 percent since 2020.¹⁹ A Housing First initiative in the Seattle area placed 89% of people living in eleven resolved encampments into housing; 73% remained housed a year and a half later.²⁰

¹³ Wis. Dep’t Admin., SB-0669 Fiscal Estimate - 2023 Session (Nov. 30, 2023), https://docs.legis.wisconsin.gov/2023/related/fe/sb669/sb669_doa.pdf.

¹⁴ L.A. Homeless Servs. Auth, *Los Angeles Municipal Code Section 41.18 Effectiveness Report* 5 (Nov. 28, 2023), <https://perma.cc/LYX9-XD96>; Cody Dulaney, *Gloria’s Homeless Shelter Record Marked by More Tents, Fewer Beds as Election Draws Near*, inewsourc (Sep. 30, 2024), <https://inewsourc.org/2024/09/30/san-diego-mayor-election-todd-gloria-larry-turner-homeless-shelter/>.

¹⁵ See, e.g., Nat’l All. to End Homelessness, *Data Visualization: The Evidence on Housing First* (May 25, 2021), <https://perma.cc/5VBM-82WU>.

¹⁶ See Fla. Stat. § 420.6275(2)(a) (“The Housing First approach to homelessness . . . provid[es] housing assistance, case management, and support services responsive to individual or family needs after housing is obtained.”).

¹⁷ Jack Tsai, *Is the Housing First Model Effective? Different Evidence for Different Outcomes*, 110 Am. J. Pub. Health 1376, 1376–77 (2020), <https://pubmed.ncbi.nlm.nih.gov/32783738/>; see also Andrew Baxter et al., *Effects of Housing First Approaches on Health and Well-Being of Adults Who Are Homeless or At Risk of Homelessness: Systematic Review and Meta-Analysis of Randomised Controlled Trials*, 73 J. Epidemiology & Cmty. Health 379, 384 (2019), <https://doi.org/10.1136/jech-2018-210981>.

¹⁸ See Michael Kimmelman, *How Houston Moved 25,000 People from the Streets Into Homes of Their Own*, N.Y. Times (June 14, 2022), <https://perma.cc/ZU52-R3L4>.

¹⁹ See Jillian Price, *Atlanta’s Homeless Numbers Drop 38% in Survey*, Atlanta Journal-Const. (June 2, 2022), <https://perma.cc/85QP-ZB6G>.

²⁰ King Cty. Reg’l Homelessness Auth., *Moving Inside: State Encampment Resolution Initiative at Work in King County* (Feb. 8, 2024), <https://kcrha.org/news-moving-inside-state-encampment-resolution-initiative-at-work-in-king-county/>.



These approaches save communities money as well.²¹ The per-person cost of housing programs is relatively low and cost-effective: although some variance exists, one study concluded that the median cost of intervention was approximately \$16,479, compared to a median total benefit \$18,247, with a benefit-to-cost ratio of 1.80 to 1.²² A wealth of studies confirms that the cost of providing homeless individuals with supportive housing is at least the same as the status quo—with the obvious benefit of reducing human suffering for formerly homeless individuals—which more likely than not reduces overall societal costs and improves the quality of life for everyone.²³

D. Best Practices for Implementing Fla. Stat. § 125.0231

We urge Gainesville to heed the overwhelming evidence that the most effective way to prevent people from “regularly engaging in public camping or sleeping” is not to arrest or criminalize life-sustaining conduct, but instead to address the underlying problem of homelessness: a lack of housing. We make the following four recommendations for Gainesville as it seeks to implement Fla. Stat. § 125.0231.

1) Communities must develop a credible plan for affordable housing.

Homelessness ends with a home. While no single policy will end homelessness overnight, the Housing First framework, working in tandem with other supportive policies, reduces the inflow of individuals and families into homelessness and makes it easier for them to exit into stable, permanent housing.²⁴ A well-resourced and strategic housing plan will reduce or eliminate the need for encampments, arrest, adjudication, and other costly taxpayer expenses.

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

²¹ See Fla. Stat. 420.6275 (declaring legislative finding that “Housing First . . . tends to reduce the length of time of homelessness and has proven to be cost-effective”).

²² See Verugheese Jacob et al., *Permanent Supportive Housing with Housing First: Findings from a Community Guide Systematic Economic Review*, 62 Am. J. Prev. Med. e188, e193–94 (2022), <https://pubmed.ncbi.nlm.nih.gov/34774389/>.

²³ See *id.* at e194–95; see also Lavena Staten et al., *Penny Wise But Pound Foolish: How Permanent Supportive Housing Can Prevent a World of Hurt* (2019), <https://ssrn.com/abstract=3419187> (collecting 13 studies presenting cost-savings ranging from \$36,579 to \$944 per year).

²⁴ See Fla. Stat. § 420.6275(1)(d) (“It is . . . the intent of the Legislature to encourage homeless continuums of care to adopt the Housing First approach to ending homelessness for individuals and families.”).

- Establish permanent supportive housing options to reduce the number of people living outdoors or in temporary shelters. For example, purchase and redevelop vacant hotels/motels for conversion to permanent housing, as localities across Florida and the country are doing.²⁵
- Reduce barriers to entry for individuals and families seeking permanent supportive housing. Unnecessary requirements related to sobriety, income, criminal history, and participation in treatment and services undermine the success of a person's relationship with permanent supportive housing programs.²⁶
- Create communication channels that ensure unhoused individuals and families understand and can access supportive services that lead to permanent housing. Personal, face-to-face interactions are the most effective way to reduce barriers to entry for services.
- Ensure resource information or brochures are available at all regularly visited public offices, such as libraries, school administration offices, shelters, food banks, and utility offices.
- Increase the supply of permanently affordable housing through investments in public housing, community land trusts, and acquisition of affordable housing at risk of market rate conversion.
- Reassess and revise zoning laws to promote affordable housing, with a specific focus on housing for individuals or families with little to no income. For instance, expand by-right zoning for multi-family, supportive, and interim housing.
- Provide emergency rental assistance, locally funded rental subsidies, and right to counsel in eviction cases.
- Advocate for state-level income supports to reduce the gap between people's incomes and housing costs, such as increases to the minimum wage, renter's tax credits, state-funded rental vouchers, and rent stabilization measures.
- Advocate for state-level tenant protections, such as source of income nondiscrimination, prospective tenant screening limitations, tenant opportunity-to-purchase policies, and just cause eviction.

See additional details on these affirmative policy levers at the Framework for an Equitable Homelessness Response project: <https://housingequityframework.org/policy-levers>.

2) Communities must respect the property rights of unhoused community members if conducting encampment sweeps.

²⁵ U.S. Dep't Hous. & Urb. Dev. Off. Pol'y Dev. & Rsch, *Housing First: A Review of the Evidence* (2023), <https://www.huduser.gov/portal/periodicals/em/spring-summer-23/highlight2.html>.

²⁶ U.S. Interagency Council on Homelessness, *Housing First Checklist: Assessing Projects and Systems for a Housing First Orientation* (2016), https://usich.gov/sites/default/files/document/Housing_First_Checklist_FINAL.pdf.



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The destruction of property during encampment sweeps is unconstitutional and harmful. Both the Fourth and Fourteenth Amendment protect the personal property of individuals experiencing homelessness who exist in public places. If property is seized during an encampment sweep, it may not be immediately destroyed, and the owner must be given notice and an opportunity to argue against the taking. *See Lavan v. City of Los Angeles*, 693 F.3d 1022, 1030–1032 (9th Cir. 2012); *see also Clement v. City of Glendale*, 518 F.3d 1090, 1093 (9th Cir. 2008) (“[T]he government may not take property like a thief in the night; rather, it must announce its intentions and give the property owner a chance to argue against the taking.”). For example, one court approved a policy requiring two weeks’ notice before an encampment cleaning, seven days’ notice that specific property will be seized, and a thirty-day storage period. *Fund for Empowerment v. City of Phoenix*, 646 F. Supp. 3d 1117, 1128 (D. Ariz. 2022); *see also Miralle v. City of Oakland*, No. 18-CV-06823-HSG, 2018 WL 6199929, at *3 (N.D. Cal. Nov. 28, 2018) (finding due process satisfied by providing 72 hours’ written notice of an encampment closure, written notice of where to retrieve belongings, and storage of property for 90 days).

Encampment sweeps pose a significant risk of property loss to residents. Essential documents, identification, valuable possessions, and items necessary for daily survival, including medical items, are frequently confiscated or destroyed during encampment sweeps. The loss of such property carries significant health risks and can impede the ability of unhoused persons to navigate service systems, including case management, treatment programs, and housing services.²⁷

We urge Gainesville not to seize and destroy the personal belongings of unhoused individuals without appropriate notice and storage.

We also encourage the City to utilize the United States Interagency Council on Homelessness report entitled *19 Strategies for Communities to Address Encampments Humanely and Effectively* to minimize interactions with police and find safe and effective strategies to comply with Fla. Stat. § 125.0231, as passed in HB 1365.²⁸

3) Communities should allow private property owners to meet the needs of the unhoused community while long-term solutions are being implemented.

²⁷ See Diane Qi et al., *Health Impact of Street Sweeps from the Perspective of Healthcare Providers*, 37 J. Gen. Internal Med. 3707, 3709–11 (2022), <https://link.springer.com/article/10.1007/s11606-022-07471-y>; Jamie Suki Chang et al., *Harms of Encampment Abatements on the Health of Unhoused People*, 2 Soc. Sci. & Med. – Qualitative Rsch. Health 100064, 1, 4 (2022), <https://doi.org/10.1016/j.ssmqr.2022.100064>; *see generally* Marisa Westbrook & Tony Robinson, *Unhealthy by Design: Health & Safety Consequences of the Criminalization of Homelessness*, 30 J. Soc. Distress & Homelessness 107 (2020), <https://www.tandfonline.com/doi/full/10.1080/10530789.2020.1763573>.

²⁸ U.S. Interagency Council on Homelessness, *19 Strategies for Communities to Address Encampments* (April 2024), https://www.usich.gov/sites/default/files/document/19%20Strategies%20for%20Communities%20to%20Address%20Encampments%20Humanely%20and%20Effectively_1.pdf.



Local government retains flexibility under land use and zoning regulations to authorize private property owners to permit outdoor sleeping and camping on their property as an interim humanitarian measure, with the ultimate goal of ensuring all people have a safe place to sleep indoors. For example, Washington State passed RCW 36.01.290 enabling religious organizations to host small-scale, time-limited homeless encampments or safe lots on their properties.²⁹ Portland, OR, has reduced permitting barriers to enable vacant office space to be converted to affordable housing.³⁰ We urge Gainesville to consider allowing private property owners and religious organizations to support the need of unsheltered individuals to exist somewhere while City and County policymakers pursue longer term solutions.

4) Communities should clearly articulate the rights of unhoused individuals and families to exist in public spaces and thereby reduce the likelihood of unnecessary interactions with police.

We encourage you to adopt an ordinance or resolution clearly articulating the rights of unhoused individuals and families to exist in public space and utilize public services—like public restrooms, emergency shelters during hurricanes, and internet services at libraries. Namely, no individual should face civil or criminal penalties, threats, or harassment from law enforcement, state officials, or private security for moving, resting, sitting, standing, lying down, sleeping, seeking shelter from the elements, or engaging in other essential life-sustaining activities on public property or within a legally parked vehicle.³¹ Clearly articulating these rights will reduce unnecessary interactions with the criminal legal system.

If Gainesville does enact or increase enforcement of local ordinances in response to Fla. Stat. § 125.0231, it should prioritize moving individuals into shelter or housing first, and it should not impose fines and jail time as penalties for ordinance violations. Local governments are not required to penalize ordinance violations with fines and jail time. Even if those are the default penalties in the Code of Ordinances, City of Gainesville, Fla., law enforcement can choose not to seek these penalties. As discussed earlier, punishing innocent acts of survival by unhoused persons is unconstitutional and counterproductive. Criminal enforcement extends homelessness, exacerbates poverty, and inflicts

²⁹ See Wash. RCW 36.01.290; see also Nat'l L. Ctr. on Homelessness & Poverty, *Tent City, USA: The Growth of America's Homeless Encampments and How Communities are Responding* (2018), https://homelesslaw.org/wp-content/uploads/2018/10/Tent_City_USA_2017.pdf.

³⁰ Blair Best, *Portland Changes Policies to Facilitate Turning Empty Office Space into Housing*, KGW8 (Mar. 15, 2023), <https://www.kgw.com/article/news/local/homeless/portland-empty-office-convert-housing-affordable/283-5b81ac84-cf9d-438e-8d73-81db0624908c>.

³¹ Nat'l L. Ctr. on Homelessness & Poverty, *Policy Solutions, Housing Not Handcuffs* (Sep. 12, 2023), <https://housingnohandcuffs.org/policy-solutions/>.



unnecessary suffering by erecting barriers to accessing shelter, mental and behavioral health treatment, medical care, jobs, and housing.³²

E. Who we are

The Law Center is the only national legal advocacy organization dedicated solely to ending and preventing homelessness. We have over 30 years of experience in policy advocacy, public education, and impact litigation. Since 2006, the Law Center has tracked laws criminalizing homelessness in 187 cities across the country, and we have documented the failures and costs of those policies in numerous national reports.³³ We have also published best practices, model policies, and case studies from across the country on how to constructively address homeless encampments.³⁴ The Law Center’s reports demonstrate that laws like Fla. Stat. § 125.0231 do not address the underlying causes of homelessness, and instead injure homeless persons’ rights and waste taxpayer resources.

SLC is a statewide, nonprofit law firm that works proactively to ensure fairness, social justice, and government accountability for Floridians through focused, high-impact initiatives, policy advocacy, and civil litigation. SLC’s Decriminalizing Poverty Project works to protect the civil and human rights of persons experiencing homelessness.

SPLC is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. SPLC’s Economic Justice Litigation and Advocacy Team and Policy Department work to end practices that disproportionately deny Black, Brown, and Indigenous communities across the Deep South the opportunity to access safe, secure, and affordable housing. One such harmful practice is the use of punitive measures, instead of housing and services, to address homelessness.

FJI is a nonprofit that uses impact litigation and advocacy to improve the lives of Florida’s poor and disenfranchised residents while focusing on criminal justice reform, homelessness, and disability access. FJI has filed numerous civil rights lawsuits challenging unconstitutional ordinances that criminalize requesting donations or living outside.

³² Brief of 57 Social Scientists with Published Research on Homelessness as Amicus Curiae, *City of Grants Pass, Oregon v. Johnson et al.*, Case No. 23-175, at 5-20 (Apr. 3, 2024).

³³ See, e.g., *Housing Not Handcuffs 2019*, *supra*, note 7. See also, *Housing Not Handcuffs, Gloria Johnson Template Legislation* (2024), <https://housingnohandcuffs.org/wp-content/uploads/2024/07/Gloria-Johnson-Act-State-Local-Template.pdf>, providing template legislative language Gainesville could draw from.

³⁴ See *Tent City USA*, *supra*, note 29; *Policy Solution*, *supra*, note 31.



We all wish to end homelessness in our communities—but the best, most cost-effective, and permanent way to achieve that is to ensure that all who are unsheltered can access adequate, alternative housing. We urge you not to enact the proposed legislation criminalizing sleeping and camping, and instead divert the funding that would be spent enforcing the ordinance to invest in housing and services that would end homelessness in Gainesville. We are happy to discuss this matter with you. Please feel free to contact us with any questions or concerns.

Sincerely,

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