

SCOTUS Reverses the 9th Circuit Decision, Restoring Local Government Authority to Enforce Camping Regulations

Supreme Court upheld camping regulations adopted by the City of Grants Pass, ruling they don't violate the Cruel & Unusual Clause of the Eighth Amendment.

LOS ANGELES, CALIFORNIA, UNITED STATES, July 3, 2024 /

EINPresswire.com/ -- On Friday, June 28, 2024, the Supreme Court of the United States issued its highly anticipated decision in [City of Grants Pass v. Johnson, et al. \(USSC No. 23-175.\)](#) ("Grants Pass").

In a case being referred to as the most significant court decision on homelessness in more than four decades, the Court held that ordinances adopted by the City of Grants Pass prohibiting camping on public property do not violate the Cruel and Unusual Punishment clause of the U.S. Constitution's Eighth Amendment.

Based upon this holding the Court reversed the decision of the Ninth Circuit Court of Appeals in Johnson v. City of Grants Pass that enjoined camping regulations adopted by Grants Pass, Oregon, and sent the case back to the Ninth Circuit for further proceedings consistent with its opinion.

In doing so the Court notably rejected the Ninth Circuit's precedent set in Martin v. City of Boise (920 F.3d 584, 2019), which held that enforcing public-camping ordinances against homeless individuals without adequate shelter beds violates the Eighth Amendment. Instead the Court criticized the Ninth Circuit's interpretation, asserting that it extended the Eighth Amendment



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beyond its text and historical context.

The Majority opinion relied on factual information provided by multiple amici cities, counties, and law enforcement agencies. The Court cited to various amicus briefs for factual information about the homeless and the challenges in addressing homelessness, including Aleshire & Wynder, LLP's amicus briefs filed in support of Grants Pass's Petition for a Writ of Certiorari and in support of Grants Pass' position on the merits. Specifically, the Court cited to the factual information from the amici cities of: Chino, Fillmore, Fountain Valley, Garden Grove, Glendora, Huntington Beach, Murrieta, Newport Beach, Orange, Roseville, Santa Ana, Santa Clarita, San Clemente, and the County of Orange among others. The Aleshire & Wynder brief was written by John Fox, Josh Imeri-Garcia, and Tiffany J. Israel.

Governor Gavin Newsom welcomed the opinion, saying: "This decision removes the legal ambiguities that have tied the hands of local officials for years...."

For more information, feel free to read our analysis of the decision [here](#), or contact the firm directly through Partner, Tiffany J. Israel.

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