



Bazelon Center and Mental Health Experts File Amicus Brief Opposing the Criminalization of Homelessness and Presenting Proven Solutions in Landmark Supreme Court Case

Contact: Monica Porter Gilbert, monicaq@bazelon.org

Washington, DC April 3, 2024 — Today, the Bazelon Center for Mental Health Law, together with the American Psychiatric Association, National Alliance on Mental Illness, National Association for Rural Mental Health, and National Association of Social Workers, [filed an amicus \(friend-of-the-court\) brief](#) in the U.S. Supreme Court case *Johnson v Grants Pass* addressing the impact of efforts to criminalize homelessness on people with mental health disabilities and refuting arguments that such efforts are necessary to combat homelessness. As the brief – authored by the Bazelon Center and the law firm Kellogg Hansen – explains, there are alternatives. Community-based housing and mental health services are far more effective than criminal enforcement in addressing homelessness and supporting people with mental disabilities.

Johnson v. Grants Pass is the most important case regarding homelessness in decades. It will address whether laws that criminalize sleeping in public with basic protections such as a blanket – when no safe and accessible shelter options are available – violate the Eighth Amendment’s prohibition on cruel and unusual punishment.

Housing is one of the most basic and powerful social determinants of health, particularly for individuals with mental health disabilities. Though most people experiencing homelessness do not have a mental health condition and homelessness is more frequently triggered by economic factors such as job loss or debt, individuals with mental disabilities are disproportionately represented among the homeless population and so are disproportionately harmed by policies that criminalize nonviolent conduct associated with being homeless, such as sleeping outside with a blanket.

“We know that homelessness is fundamentally a problem driven by the lack of affordable, accessible housing,” said **Megan Schuller, Legal Director of the Bazelon Center**. “Criminalizing nonviolent basic acts of survival is not the solution. Governments can – and many successfully have – put in place community-based services that meet the needs and interests of everyone in the community, including people with mental health disabilities.”

Research shows that scalable interventions, such as [supportive housing](#) – which includes both housing and services for individuals with mental health or other disabilities – can improve health outcomes and [reduce costs](#). Other community-based services such as [assertive community treatment](#), [mobile crisis services](#), [supported employment](#), and [peer support services](#) are similarly proven to address homelessness and are a more effective use of resources.

The Bazelon Center and our fellow amici join a broad array of over 1,000 organizations and public leaders who have submitted [nearly 40 amicus briefs](#) opposing the criminalization of homelessness. Community-based services are more humane, more effective, and less expensive than incarceration or hospitalization. By employing these community-based interventions, governments can address homelessness and housing insecurity without resorting to criminal enforcement.

[Read the amicus brief \(PDF\)](#).

About the Judge David L. Bazelon Center for Mental Health Law: The Judge David L. Bazelon Center for Mental Health Law is a national non-profit legal advocacy organization founded in 1972 to advance the rights of individuals with mental health and developmental disabilities. The Center advocates for laws and policies that support a society where Americans with mental disabilities live with autonomy, dignity, and opportunity in welcoming communities, supported by law, policy, and practices that help them reach their full potential. Its litigation and policy advocacy advances rights to fair treatment, adequate mental health care, and community-based services. For more information, visit: bazelon.org.