



Southern Poverty Law Center
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September 15, 2023

Via email: registry@ohchr.org; srhousing@ohchr.org

Re: UN Human Rights Call for Input: Decriminalize Homelessness and Extreme Poverty

Dear Special Rapporteur on the right to adequate housing and Special Rapporteur on extreme poverty and human rights:

On behalf of the Southern Poverty Law Center and the Southern Poverty Action Fund (“SPLC” and “SPLCAF”), we write in response to your call for input on the decriminalization of homelessness and extreme poverty. For more than 50 years, SPLC has been a catalyst for social change in the South, partnering with impacted communities to challenge discriminatory actions and advancing policies aimed at improving the lives of people in the South. We have offices in five U.S. states in the Deep South: Alabama, Georgia, Mississippi, Louisiana, and Florida. Our core impact issues include eradicating poverty; decriminalizing and decarcerating Black and Brown people; protecting voting rights and civic engagement; and dismantling white nationalism and extremism.

We aim to eradicate poverty by expanding access to opportunity and eliminating racial and economic inequality in all facets of life including education, employment, and public infrastructure and supports. We believe housing is a human right, and housing stability is fundamental to economic well-being. Our deep expertise on the root causes of poverty in the South drives our work to advance the human right to housing across the Deep South with a focus on rooting out race discrimination that is entrenched at all levels of our housing laws and policies.

SPLC has been working to stop the cycle of homelessness and incarceration by advocating for the decriminalization of status offenses that are targeted, or disproportionately enforced, against houseless individuals.¹ Instead of investing in solutions targeted at the root causes of the housing crisis, communities across the country use the criminal justice system to punish unhoused people for conduct necessary to survive—such as sleeping, camping, sitting or lying down, storing personal property, asking for help, or otherwise being physically present in public places. Homelessness is a driver of mass incarceration, filling county jails due to over-policing, pretrial detention, and repeated convictions for minor offenses.

Within our focus states, local and state governments are responding to encampments and the visibility of homelessness with laws and policies intended to drive people using punitive policies from public places where they are forced to live. Often, these policies take the form of local

¹ Kirsten Anderson, “Defending Unhoused people: SPLC fights back against discriminatory ordinances that punish individuals who do not have homes,” SPLC, Nov. 4, 2022. <https://www.splcenter.org/news/2022/11/04/defending-unhoused-people>



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ordinances that target unhoused people for conduct essential to survival: sleeping/camping, lying down/sitting, asking for charity, or otherwise being physically present in public places (loitering, trespass). People simply have nowhere else to go.

Housing is too expensive, and there are not enough shelter beds. In most U.S. states, it is near impossible for someone who works full-time for minimum wage to afford rent for a modest two-bedroom apartment.² In SPLC’s five-state region, a person would need to earn between \$17.21 (Mississippi) and \$30.59 (Florida) per hour – the federal minimum wage currently stands at \$7.25, and many states not only lack laws providing for a higher minimum wage instead have laws prohibiting local governments from increasing it. For example, after the City of Birmingham, Alabama passed a local ordinance to increase the minimum wage to \$10.10, the state legislature enacted a law retroactively prohibiting cities and counties from increasing the minimum wage.³

Policies that target unhoused people for conduct essential to survival do nothing to address the root causes of homelessness, instead, they punish people for their economic situation and disproportionately impact Black people. There is a concerted effort by ultra-conservative groups like the Cicero Institute⁴ to end housing-first solutions that address homelessness.⁵ It is noteworthy that these are often the same groups pushing anti-student inclusion policies and opposing the teaching of truthful history about race in the U.S. This issue also intersects with the over-policing of Black communities, as Black people make up a disproportionate 37% of all persons experiencing homelessness nationwide while only making up 13% of the general population.⁶

1. Examples of Problematic Laws, Regulations, and Ordinances in the Deep South states

a. Laws or regulations that prohibit begging, soliciting, camping, sleeping, or performing life activities in public places.

² National Low Income Housing Coalition, Out of Reach Report, <https://nlihc.org/org>

³ Zachary Roth, “Birmingham Raises Minimum Wage and Alabama Takes It Away, ABC News,” Feb. 26, 2016, <https://www.nbcnews.com/news/nbcblk/birmingham-raises-minimum-wage-alabama-takes-it-away-n526806#:~:text=Alabama%20passed%20a%20bill%20Thursday,it%20wipes%20out%20Birmingham%27s%20raise.>

⁴ Jason DeParle, “Federal Policy on Homelessness Becomes New Target of the Right,” New York Times, June 20, 2023, <https://www.nytimes.com/2023/06/20/us/politics/federal-policy-on-homelessness-becomes-new-target-of-the-right.html>

⁵ Kristian Hernandez, “Homeless Camping Bans Are Spreading. This Group Shaped the Bills, STATELINE, Apr. 8, 2022, <https://stateline.org/2022/04/08/homeless-camping-bans-are-spreading-this-group-shaped-the-bills/>

⁶ National Alliance to End Homelessness, Homelessness and Racial Disparities, <https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/inequality/>



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Below is a summary of some of the relevant laws, regulations, ordinances, and initiatives in the Deep South that prohibit begging, eating, sleeping, or performing personal hygienic activities in all or certain public places, and whether they are still in force and enforced, and attached appendix of relevant bill text.⁷

State of Alabama:

In 2019, the City of Montgomery enacted an ordinance that imposed penalties on the solicitation of donations, including mandatory jail time.⁸ While the city ultimately repealed the ordinance, the city continued to enforce two state statutes that also criminalized the solicitation of charitable donations. SPLC, along with the ACLU of Alabama and the National Homelessness Law Center, filed a federal lawsuit to stop the city from enforcing the statutes. In the two years before the suit was filed, the city issued more than 400 citations.⁹ In 2023, the court granted SPLC's unopposed motion for summary judgment against the state police, permanently ordering the state to stop enforcement of the two statutes. SPLC previously reached a settlement with the City of Montgomery and the Sheriff of Montgomery County. Despite the court finding in March 2023 that two Alabama statutes prohibiting solicitation of donations for personal use are constitutionally protected speech,¹⁰ Alabama passed a bill criminalizing loitering on public roadways maintained by the state, or in the right-of-way of a public roadway maintained by the state, which includes criminal penalties for violations.¹¹ Then the state of Alabama filed an appeal arguing that begging falls outside of the First Amendment because it contends the fact that vagrancy was a crime at the founding of the country justifies censoring speech of persons asking for charity. SPLC's response brief notes that all Eighth Circuit courts (and every state supreme court) that have reached this issue disagree with the State's position and trace the connection between the criminalization of begging and forced labor at this country's founding. It also details the history of vagrancy laws in the U.S. South, and they were used as part of the Black Codes to keep newly emancipated people in a state of racial and economic subjugation. This case is pending.

⁷ For an additional overview of relevant laws: Housing Not Handcuffs 2021: State Law Supplement, Nov. 2021, <https://homelesslaw.org/wp-content/uploads/2021/11/2021-HNH-State-Crim-Supplement.pdf>

⁸ Ala. § 13A-11-9, [https://codes.findlaw.com/al/title-13a-criminal-code/al-code-sect-13a-11-9/#:~:text=\(a\)%20A%20person%20commits%20the,for%20the%20purpose%20of%20gambling.](https://codes.findlaw.com/al/title-13a-criminal-code/al-code-sect-13a-11-9/#:~:text=(a)%20A%20person%20commits%20the,for%20the%20purpose%20of%20gambling.)

⁹ Civil Rights Group File Lawsuit Over Alabama's Laws Criminalizing Panhandling, Feb. 13, 2020, <https://www.splcenter.org/presscenter/civil-rights-groups-file-lawsuit-over-alabamas-laws-criminalizing-panhandling>

¹⁰ Micah West, If seeking help is a crime, HB24 will make us all criminals, Montgomery Advertiser, Jun. 19, 2023, <https://www.montgomeryadvertiser.com/story/opinion/contributors/2023/06/19/if-seeking-help-is-a-crime-hb24-will-make-us-all-criminals/70336325007/>

¹¹ Ala. HB24, <https://legiscan.com/AL/text/HB24/2023>



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In 2022, SPLCAF and other advocates fought and defeated a proposal to enact a Mobile, Alabama ordinance that would have prohibited camping or leaving personal property unattended within the city of Mobile. Violators could be subject to fines of \$100 to \$500 per violation or face up to 6 months in jail.¹²

State of Florida:

Cities in South Florida—including Miami and Miami Beach, Florida— have taken several actions to criminalize unhoused people or their advocates for life-sustaining activities. In 2020 in the wake of the pandemic, the city of Miami passed an ordinance criminalizing food sharing or feeding persons experiencing homelessness in groups of 25 or more without a permit.¹³ One city in South Florida that had a similar restriction, spent 7 years in federal court defending its ban on sharing food in public parks as a social service. This case resulted in two federal court decisions that ultimately struck down the City of Fort Lauderdale’s park rules as unconstitutional infringements on the free speech rights of a political group that shares food with homeless and hungry persons in outdoor parks to demonstrate food is a human right.¹⁴ In 2021, The City of Miami passed an anti-camping ordinance that prohibits encampments on public property.¹⁵ And the Miami Beach city council just voted to amend this ordinance to allow police to arrest homeless people.¹⁶

In 2021, the city of Ocala, Florida had an open lodging ordinance and trespass policy that resulted in police arresting hundreds of homeless people for sleeping outside. A federal court in Florida stopped the City of Ocala from enforcing its lodging ordinance because arresting people experiencing homelessness for sleeping/camping when there is no available shelter is cruel or unusual punishment under the Eighth Amendment.¹⁷ Three plaintiffs spent a combined 210 days in jail and were assessed \$9,000 in fines, fees, and court costs for violating the Ocala ordinance.

¹² “Is anti-camping ordinance aimed at Mobile’s homeless? Council set to debate,” Jan. 24, 2022, <https://www.al.com/news/2022/01/is-anti-camping-ordinance-aimed-at-mobiles-homeless-council-set-to-debate.html>

¹³ See MIA., FLA., CODE 2020 § 25-25.

¹⁴ Amanda Robert, Limit on food distribution to homeless people in parks violate First Amendment, 11th Circuit rules, ABA Journal, Sept. 3, 2021, <https://www.abajournal.com/news/article/limit-on-food-distribution-to-homeless-people-in-parks-violates-first-amendment-11th-circuit-rules>

¹⁵ See Commission passes anti-camping ordinance, MIA. TIMES, Nov. 3, 2021, https://www.miamitimesonline.com/news/local/commission-passes-anti-camping-ordinance/article_c5bc6238-3c2c11ec-9085-4f36d2f85a84.html.

¹⁶ Deidra Funcheon, “Miami Beach camping ordinance would crack down on homeless population ,” Axios Miami, Sep. 11, 2023, https://www.axios.com/local/miami/2023/09/11/miami-beach-ordinance-camping-homeless-vacate; Miami, FL Sec. 70-45, https://library.municode.com/fl/miami_beach/codes/code_of_ordinances?nodeId=SPAGEOR_CH70MIOF_ARTIIP_UPL_DIV1GE_S70-45CAPR

¹⁷ *McArdle v. City of Ocala*, 519 F. Supp. 3d 1045 (M.D. Fla. 2021)



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State of Georgia:

Georgia has been working to ban and criminalize public camping and sleeping and to reduce funding for permanent supportive housing and other housing-first solutions in favor of state-sanctioned encampments. During the 2022 legislative session, the Georgia State Senate introduced SB 535, a bill directly lifted from a right-wing lobbying group, the Cicero Institute.¹⁸ This group is leading efforts to end housing-first solutions to end homelessness and instead proposes further criminalization of unhoused individuals and the creation of state-run camps. SB 535 was blocked from passage and sent to a study committee. The study committee's final report included many of these proposals alongside dedicating funding to state-sanctioned encampments.¹⁹

During Georgia's 2023 legislative session, a new bill targeting public camping and sleeping laws was introduced and ultimately passed.²⁰ This state bill also prohibited local ordinances or policies relating to camping or sleeping and triggered statewide audits of state and local homeless funding, in order to preempt more progressive local policy.²¹ SPLCAF along with other advocates were able to mitigate the worst harms of the bill, including avoiding "qui tam" lawsuits against non-compliant municipalities, and striking language that directed unallocated ARPA funds to the creation of state-sanctioned encampments. SB 62 now only prohibits cities from passing any resolutions that prohibit enforcement of camping bans that are already on the books and will require a financial audit of nonprofits receiving HUD Continuum of Care funds.

State of Louisiana:

In 2022, the city of Baton Rouge passed an ordinance that criminalized camping by homeless individuals.²² SPLCAF advocated against this ordinance, citing constitutional concerns and the fact that there are not enough shelter beds available to accommodate the rising number of emergency and long-term housing solutions. Despite strong opposition, the ordinance passed, with amendments, and is currently in effect, although anecdotally it does not appear to be enforced by the police.²³

State of Mississippi:

¹⁸ Georgia SB 535, <https://www.legis.ga.gov/api/legislation/document/20212022/207090>

¹⁹ Georgia State Senate: Final Report of the Senate Study Committee on Unsheltered Homeless (SR 659) <https://www.senate.ga.gov/committees/Documents/UnshelteredHomelessnessFinalReport.pdf>

²⁰ Sean Keenan, "Opponent: 'Anti-homeless' bill that cracks down on public camping won't help un-housed residents, Apr. 10, 2023, <https://atlantaciviccircle.org/2023/04/10/georgia-legislation-doesnt-help-homeless-people/>; Georgia SB 62, <https://www.legis.ga.gov/api/legislation/document/20232024/213180>

²¹ Georgia SB 62, <https://www.legis.ga.gov/legislation/63809>;

²² Baton Rouge, 13:107, https://hdlegisuite.brla.gov/attachments/2022/legislation_D136F186.pdf

²³ *Id.*



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In 2023, the Mississippi legislature proposed a bill that would prohibit any local ordinance that legalizes camping on streets, roads, sidewalks, or other public property. The bill is currently still being considered this legislative session.²⁴ In 2018, approximately 30 cities in Mississippi had ordinances that related to criminalizing homelessness, including prohibitions and restrictions around begging, soliciting, or panhandling.²⁵ During that time, the National Law Center on Homelessness & Poverty and the ACLU of Mississippi led a letter-writing

²⁴ Housing Not Handcuffs, Emergent Threats: State Level Criminalization, <https://housingnohandcuffs.org/emergent-threats-state-level-criminalization/>; Mississippi SB 2155 <http://billstatus.ls.state.ms.us/documents/2023/pdf/SB/2100-2199/SB2145IN.pdf>

²⁵ Per research shared by ACLU MS: Jackson, MS, Sect 94-2 (repealed) https://library.municode.com/ms/jackson/codes/code_of_ordinances?nodeId=COOR_CH94PESO; Gulfport, MS Sect 7-3, https://library.municode.com/ms/gulfport/codes/code_of_ordinances?nodeId=PTIICOOR_CH7OFMIPR_ARTIINGE_S7-3BE; Southaven, MS, Sec 8-139 (repealed) https://library.municode.com/ms/southaven/codes/code_of_ordinances?nodeId=CO_TITVIIIIMIBURE_CH6SOST; Biloxi, MS Sec. 13-1-17 https://library.municode.com/ms/biloxi/codes/code_of_ordinances?nodeId=COOR_CH13OFMIPR_ARTIINGE_S13-1-16PAPESOEFEFEX; Meridian, MS, 16-1 (repealed) https://library.municode.com/ms/meridian/codes/code_of_ordinances?nodeId=COOR_CH16OFMIPR_ARTIINGE_S16-3BE; Tupelo, MS, 15-86 and 15-153 https://library.municode.com/ms/tupelo/codes/code_of_ordinances?nodeId=COOR_CH4AI_ARTIIIAIRURE_DIV3PUCO_S4-82SO; Greenville, MS, 5-184, 5-171, 8-14 https://library.municode.com/ms/greenville/codes/code_of_ordinances?nodeId=PTIICOOR_CH5LIBURE_ARTVCH_DIV2SO_S5-184SOPUSTUPMEPR; Olive Branch, MS, 34-182(b) (repealed) https://library.municode.com/ms/olive_branch/codes/code_of_ordinances?nodeId=COOR_CH34OFMIPR_ARTVIIIISOWIRI-WPUST; Horn Lake, MS, 32-7(c) https://library.municode.com/ms/horn_lake/codes/code_of_ordinances?nodeId=COOR_CH32STSIOTPUPL_ARTIIPRDOSE; Clinton, MS, 62-6 https://library.municode.com/ms/clinton/codes/code_of_ordinances?nodeId=COOR_CH62OFMIPR_ARTIINGE_S62-6SOST; Ridgeland, MS, 70-91 (repealed) https://library.municode.com/ms/ridgeland/codes/code_of_ordinances?nodeId=CO_CH110TRVE_ARTVPE_S110-136STSTPUSO; Starkville, MS, 30-28 (repealed) https://library.municode.com/ms/starkville/codes/code_of_ordinances?nodeId=COOR_CH30BU_ARTIITRVE_DIVIGE_S30-32ACRO; Vicksburg, MS, 20-34 (repealed) https://library.municode.com/ms/vicksburg/codes/code_of_ordinances?nodeId=PTIICOOR_CH17OFIS_ARTIINGE_S17-36BE; Columbus, MS, 22-37 https://library.municode.com/ms/columbus/codes/code_of_ordinances?nodeId=COOR_CH22PESOTRPU_ARTIIICHSO; Pascagoula, MS, 54-91(b) https://library.municode.com/ms/pascagoula/codes/code_of_ordinances?nodeId=COOR_CH54OFMIPR_ARTIVOFINPUPEOR_DIVIGE_S54-91BE; Brandon, MS, 54-76 (repealed) https://library.municode.com/ms/brandon/codes/code_of_ordinances?nodeId=COOR_CH54PESO_ARTIIISORO; Oxford, MS, Sec 82-3 https://library.municode.com/ms/oxford/codes/code_of_ordinances?nodeId=COOR_CH82PE_S82-1DE; Gautier, MS, Sec 12-51 https://library.municode.com/ms/gautier/codes/code_of_ordinances?nodeId=CO_CH12LIBURE_ARTVSOPEHAITMETRVE; Laurel, MS, 12-17 <http://www.laurelms.com/departments/city-clerk-finance/code-of-ordinances/>; Clarksdale, MS, 14-7(c) https://library.municode.com/ms/clarksdale/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OFMIPR_ARTIINGE_S14-7BESOEXPE; Ocean Springs https://library.municode.com/ms/ocean_springs/codes/code_of_ordinances_zoning_and_subdivisions?nodeId=CH20.5SEITREEN; Hattiesburg, Peal, Madison not available online.



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campaign that succeeded in getting Jackson, Southaven, Meridian, Olive Branch, Ridgeland, Starkville, Vicksburg, Brandon, and Corinth to repeal their ordinances.²⁶

The State of Tennessee²⁷:

The Tennessee state legislature passed a law last year that would make it a class E felony with up to six years in prison and a \$3,000 fine for campers sleeping overnight on an interstate exit or under a bridge.²⁸ Tennessee became the first state in the U.S. to make sleeping outside a felony, which not only carries significant prison time but also the loss of voting rights--effectively making it a crime to be homeless in the entire state.²⁹

It is also important to note that in addition to criminalizing people experiencing homelessness, many cities in the U.S. are even criminalizing people for attempting to help them. These local ordinances, including some in SPLC's region, ban activities such as providing food or other necessities in places like public parks.³⁰ According to reports from the National Coalition for the Homeless, 26 cities passed food-sharing bans, similar to the one in Miami, Florida, some even making it punishable by imprisonment.³¹ A volunteer group in Houston, Texas, is fighting fines of nearly \$25,000 levied as a penalty for providing meals to homeless people near the public library.³²

²⁶ See e.g., letter from the ACLU Mississippi and the National Law Center on Homelessness & Poverty to the Mayor of Jackson, MS, Aug. 28, 2018, <https://www.aclu-ms.org/en/panhandling>

²⁷ While outside our core focus state, this is one of the most egregious examples of criminalization that warrants attention.

²⁸ The Associated Press, "Tennessee is about to become the 1st state to make camping on public land a felony, NPR, May 26, 2023, <https://www.npr.org/2022/05/26/1101434831/public-camping-felony-tennessee-homeless-seek-refuge>; <https://apnews.com/article/nashville-tennessee-homelessness-poverty-1b79a1ac05d2a8b38597a1646004553b>; <https://law.justia.com/codes/tennessee/2021/title-39/chapter-14/part-4/section-39-14-414/#:~:text=It%20is%20an%20offense%20for.agency%20responsible%20for%20the%20land.>

²⁹ The Associated Press, "Tennessee is about to become the 1st state to make camping on public land a felony, NPR, May 26, 2023, <https://www.npr.org/2022/05/26/1101434831/public-camping-felony-tennessee-homeless-seek-refuge>; TN Code § 39-14-414 (2021) <https://codes.findlaw.com/tn/title-40-criminal-procedure/tn-code-sect-40-35-111.html>

³⁰ Ashlie D. Stevens, "'Criminalizing the Samaritan:' Why cities across the US are making it illegal to feed the homeless, Salon, Aug. 7, 2023, <https://www.salon.com/2023/08/07/criminalizing-the-samaritan-why-cities-across-the-us-are-making-it-illegal-to-feed-the-homeless/>.

³¹ National Coalition for the Homeless, NCH Publications, <https://www.nationalhomeless.org/publications/>; Ashlie D. Stevens, "Criminalizing the Samaritan: Why cities across the US are making it illegal to feed the homeless," Salon, Aug. 7, 2023, <https://www.salon.com/2023/08/07/criminalizing-the-samaritan-why-cities-across-the-us-are-making-it-illegal-to-feed-the-homeless/>; "Criminalizing kindness: US woman arrested for feeding homeless people sues, Guardian, Oct 28, 2022, <https://www.theguardian.com/us-news/2022/oct/28/arizona-woman-arrested-homeless-people-criminalizing-kindness>

³² Amanda Holpuch, Houston Volunteers Fight Tickets for Serving Meals to Homeless People, New York Times, Aug. 6, 2023, <https://www.nytimes.com/2023/08/06/us/houston-food-not-bombs-fined-feeding-homeless.html>.



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b. Laws or regulations that allow for petty offences the detention or imprisonment of individuals who are unable to pay the respective fine.

There is a proliferation of state practices that punish low-income people who cannot afford to pay fines and fees. This includes states and municipalities collecting more fines and fees to generate revenue and using private probation companies to extort money from individuals too poor to pay the cumulative fees arising from a petty offense.³³ For example, in Montgomery, Alabama, when an individual receives traffic tickets or other low-level crimes and is unable to pay the full fee, the individual can be sentenced to probation and put into a debt collection scheme where they could be sentenced to jail time if they fail to make payments.³⁴ Similar schemes are used in cities around the South, often through a contract with a private, for-profit probation company that charges the individual a monthly fee.³⁵

In Valley, Alabama, the city sparked international outrage after city police handcuffed and arrested an 82-year-old Black woman whose only source of income was social security for falling behind \$77 on her trash bill.³⁶ It turned out the arrest was routine: for at least two decades, the city of Valley has relied on suspension of trash services, fines, and criminal prosecution to coerce payment of overdue trash bills, regardless of a person's ability to pay. Our research found over 800 criminal cases that the city brought over two decades and found striking racial disparities.³⁷ Although only 38% of city residents are Black, 63% of City arrests for alleged failure to pay trash fees were of Black people. Forty percent of arrests were of Black women alone. The City prosecutor agreed to stop prosecuting the offense, to support a waiver of financial obligations for people with past convictions, and moved to remit outstanding fees and costs in every open case we could identify for individuals who had been prosecuted for failing to pay their garbage bills and the court entered orders doing so. Other states in the South have

³³ SPLC, "The Return of Debtors Prisons,"

https://www.splcenter.org/sites/default/files/debtors_prison_factsheet_0116_4.pdf

³⁴ Fine & Fees Justice Center, *Carter v. Montgomery*, <https://finesandfeesjusticecenter.org/articles/carter-v-montgomery/>, *Carter v. Montgomery*, 473 F. Supp. 3d 1273 (M.D. Ala. 2020), <https://casetext.com/case/carter-v-city-of-montgomery-9>

³⁵ See <https://www.splcenter.org/seeking-justice/case-docket/gina-harper-et-al-v-professional-probation-services-inc-et-al> While the SPLC lawsuit against the private probation services, the city of Gardendale, and the Municipal judge was able to alleviate the problem in Alabama, this predatory private probation company remains active in Georgia and Florida.

³⁶ "I'm so serious, laughing Alabama officer tells 82-year-old woman arrested for not paying trash bill, Dec. 23, 2022, <https://www.al.com/news/2022/12/im-so-serious-laughing-alabama-officer-tells-82-year-old-woman-arrested-for-not-paying-trash-bill.html>

³⁷ Dwayne Fatheree, "Trashing their rights: Alabama town uses 'Debtors' Prison; for people who fall behind on garbage bills," Mar. 31, 2023, <https://www.splcenter.org/news/2023/03/31/alabama-town-debtors-prison-garbage-bills>



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similar laws that impose fines on petty offenses that potentially create a vicious extortive cycle on individuals unable to pay.

2. Comments on whether any of these laws and regulations may violate international human rights law.

Panhandling laws have origins in vagrancy laws designed to criminalize African Americans after the Civil War. They reinforce unfounded stereotypes about homelessness, addiction, and mental illness. Criminalization laws exacerbate rather than alleviate the challenges of the homeless population. Criminalizing poverty and homelessness can prolong the problems that this body is trying to solve. When individuals are arrested for violating these “camping bans,” the individuals are punished for having nowhere to sleep or shelter themselves. They then must deal with criminal histories, fines, fees, and other collateral consequences of being convicted, which create new barriers for these individuals to overcome as they try to get out of a situation where they do not have safe and permanent housing.

Many of the Deep South counties and municipalities have ordinances or rules for unsheltered homeless people that simply disperse unsheltered individuals, and cut them off from any available community resources, potential friends or family that may be trying to help them. These ordinances also result in increased contact with law enforcement and drive-up public costs from jailing and prosecuting these individuals. This again creates a hard cycle for people in bad situations to escape. The disproportionate impact of enforcement of laws criminalizing homelessness on Black, indigenous, and Latinx people violates Articles 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, and Article 26 of the International Covenant on Civil and Political Rights.

Severe shortages of affordable housing units and temporary housing and barriers such as drug testing and background checks make it difficult for people experiencing homelessness to gain temporary and permanent housing. Black people, children, LGBTQ+ individuals, and veterans have higher-than-average periods of individuals experiencing homelessness, due to systemic racism, discrimination, and disparities in housing access.³⁸ Racial disparities in the availability of adequate housing driven by systemic racial discrimination violate Articles 2 and 5 of the United Nations Committee on the Elimination of Racial Discrimination (CERD).

Those who are formerly incarcerated face significant barriers to employment and stable housing, and the imposition of fines, fees, and detention for simply living in poverty.³⁹ As recognized in

³⁸ National Alliance to End Homelessness, Homelessness and Racial Disparities, <https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/inequality/>

³⁹ Calandra Davis, “Examining the Intersection Between Criminal Justice and Financial Services in the Deep South,” Hope Policy Institute, Jan. 13, 2021, <http://hopepolicy.org/manage/wp-content/uploads/Criminal-Justice-Paper.pdf>



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the United Nations System Common Position on Incarceration, in countries where individuals are incarcerated for reasons directly related to poverty – such as inability to pay fines - “the result is the overrepresentation of minorities and other marginalized groups among prisoners.”⁴⁰

The CERD has also raised concern about the “disproportionately high number of persons belonging to racial and ethnic minorities affected by homelessness” and “women and lesbian gay, bisexual, and transgender persons.”⁴¹ Additionally, laws that criminalize life-sustaining activities such as sleeping, eating, sitting, walking, and relieving oneself, violate the right to life pursuant to Article 6 of the ICCPR.⁴²

Sanctioned camps—without proper oversight and implementation—could violate U.S. law under the Eighth, Fourth, and Fourteenth Amendments of the U.S. Constitution as well as the Americans with Disabilities Act. Several federal courts have found that anti-camping ordinances violate the Eighth Amendment cruel or unusual punishment when there is inadequate shelter for unhoused individuals.⁴³ Other courts have found that anti-camping ordinances may violate the Fourth and Fourteenth Amendments to the extent it results in the unlawful seizure and destruction of an unhoused person’s property.⁴⁴ Sanctioned camp ordinances may also violate the Fourteenth Amendment’s Equal Protection Clause because it discriminates against persons experiencing homelessness, who are the only people who have no choice but to sleep or camp outside and have personal belongings with them in the public places where they live.⁴⁵ The ICCPR also mandates equal protection of the law in Article 26, prohibiting discrimination “*on any ground* such as race, colour, sex, language, religion, political or other opinion, national or social origin, *property*, birth or *other status*.”

Camping ordinances likely violate the Fourteenth Amendment’s substantive due process, which protects a person from arbitrary, wrongful government action regardless of the fairness of the

⁴⁰ United Nations System Common Position on Incarceration, Apr. 2021, https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules-GoF/UN_System_Common_Position_on_Incarceration.pdf

⁴¹ See the NHLHC and Miami Law Report to the United Nations Human Rights Committee for the United States’ review of the International Covenant on Civil and Political Rights, Sep. 12, 2023, <https://homelesslaw.org/wp-content/uploads/2023/09/ICCPR-Report-2023.pdf>

⁴² *Id.*; International Covenant on Civil and Political Rights art. 6, adopted Dec. 16, 1966, 999 U.N.T.S. 171

⁴³ *McArdle v. City of Ocala*, 519 F. Supp. 3d 1045, 1052 (M.D. Fla. 2021); *Martin v. City of Boise*, 920 F.3d 584, 616 (9th Cir. 2019); *Blake v. City of Grants Pass*, No. 1:18-CV-01823, 2020 WL 4209227, at *6 (D. Or. July 22, 2020).

⁴⁴ See *Lavan v. City of Los Angeles*, 693 F.3d 1022, 1027–30 (9th Cir. 2012); *United States v. James Daniel Good Real Property*, 510 U.S. 43, 53 (1993); *Pottinger v. City of Miami*, 810 F. Supp. 1551, 1573 (S.D. Fla. 1992) (holding that the city’s seizure of an unhoused person’s personal belongings in public areas violated the Fourth Amendment).

⁴⁵ See *McArdle*, 519 F. Supp. 3d at 1055 (denying City’s motion for summary judgment and concluding that it would violate equal protection “if no inquiry of the availability of shelter space is made prior to an individual’s arrest” for camping on public property).



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procedures used to implement them. Courts have suggested that it may violate substantive due process to outlaw sleeping in public where there are insufficient alternatives.⁴⁶

U.S. Courts have found that laws that criminalize the soliciting of donations and begging violate the First Amendment's protection of free speech, as well as the right to freedom of expression as protected in Article 19 of the ICCPR.⁴⁷ U.S. Federal Courts have long found that solicitation is protected speech under the First Amendment.⁴⁸ In *Reed v. Town of Gilbert*, the Supreme Court found that when the government prohibits speech based on its content, these prohibitions are subject to the strict scrutiny standard. Federal courts have consistently struck down panhandling prohibitions to be unconstitutional, content-based speech restrictions.⁴⁹

3. Examples of efforts and initiatives to change law enforcement or incentivize support for people living in poverty.

In our region, there are limited examples of attempts made or planned to decriminalize street vending, informal business activities, sex work, begging, eating, sleeping, or performing personal hygienic activities in public places. On the contrary, some states have enacted laws to preempt positive local or municipal efforts to decriminalize people experiencing homelessness or living in poverty.⁵⁰ There are some initiatives by the Federal Government to change the response of law enforcement officials and of the criminal justice system from penalization, punishment, or detention, towards facilitating social inclusion of persons living in poverty or experiencing homelessness.⁵¹ However, in the U.S. South there is scant evidence of these types of initiatives moving, instead we are seeing an increase of punitive

⁴⁶ See, e.g., *McArdle v. City of Ocala*, 418 F. Supp. 3d 1004, 1008 (M.D. Fla. 2019) (denying City's motion to dismiss plaintiffs' substantive due process claim that the City was using the ordinance to arrest and incarcerate unhoused people for sleeping or resting while awake because they were homeless).

⁴⁷ SPLC, Federal Judge Rules that Alabama Laws Criminalizing Homelessness are Unconstitutional, Mar. 14, 2023, <https://www.splcenter.org/news/2023/03/14/alabama-law-solicitation-donation-unconstitutional>

⁴⁸ Brian Edwards, Montgomery Ramps Up Penalties for Panhandlers, Hopes to Deter Frequent Rulebreakers, *Montgomery Advertiser* (July 2, 2019) available at <https://www.montgomeryadvertiser.com/story/news/2019/07/02/montgomery-ramps-up-penalties-panhandlers-hopes-deter-frequent-rulebreakers/1634242001/>

⁴⁹ *Loper v. New York City Police Dep't*, 999 F.2d 699, 704 (2d Cir. 1993); *ACLU v. Las Vegas*, 466 F.3d 784, 792 (9th Cir. 2006); *Speet v. Schuette*, 726 F. 3d 867, 875 (6th Cir. 2013); *Reynolds v. Middleton*, 778 F/3d.222, 225 (4th Cir. 2015); *McLaughlin v. City of Lowell*, 140 F. Supp.3d 177, 189 (D. Mass. 2015); *Brown v. City of Grand Junction*, 136 F. Supp. 3d 1276, 1289 (D. Colo. 2015); *Homeless Helping Homeless Inc. v. City of Tampa, Fla.*, No. 8:15-CV-1219-T-23AAS,2016 WL 4162882 (M.D. Fla. Aug. 5, 2016).

⁵⁰ See Georgia and Mississippi. We have seen a trend in states in the South using preemption to block local progressive policies aimed at advancing economic equity and protecting people of color, women, and workers, see <https://www.epi.org/publication/preemption-in-the-south/>

⁵¹ See e.g. USICH criminal justice strategies, <https://www.usich.gov/solutions/criminal-justice/>



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policies particularly with the rise of statewide Cicero bills in places like Tennessee and Georgia.

- a. Measures and services available at national, regional or municipal level to support people living in poverty or in situations of vulnerability from having to resort to begging, sleeping, washing, defecating or performing other hygienic activities in public places, because they lack access to employment, social assistance, adequate housing, public showers and toilets.**

The Federal Government has taken some administrative actions and created various coordinated efforts to address homelessness. The U.S. Interagency Council on Homelessness (“USICH”), which includes 19 federal member agencies, is working to address the problem of unsheltered homelessness.⁵² The administration also rolled out All In: The Federal Strategic Plan to Prevent and End Homelessness.⁵³ One localized effort is the Biden-Harris ALL INside project, which invested more than \$2.5 billion in projects focused on reducing and preventing homelessness and providing funds in six state and local efforts: Chicago, Dallas, Los Angeles, Phoenix, Seattle, and State of California.⁵⁴ This pilot project embeds dedicated federal officials in the community to accelerate local system changes, deploys a dedicated team to identify opportunities for regulatory relief and federal funding assistance, and convenes private philanthropic opportunities.

The U.S. Housing and Urban Development Agency (“HUD”) led various initiatives to help support people who are housing unstable and potentially facing criminal charges. For example, in 2015, HUD updated its application for the continuum of care grant to incentivize grant recipients to reduce and prevent the criminalization of unhoused people.⁵⁵ The current Secretary of HUD has also been outspoken about condemning the clearing of encampments and advancing Housing First solutions.⁵⁶ HUD recently announced it would be providing more than \$3.1 billion in competitive funding to homeless services across the country to be

⁵² United States Interagency Council on Homelessness, <https://www.usich.gov/>

⁵³ All In: The Federal Strategic Plan to Prevent and End Homelessness, Dec. 2022, https://www.usich.gov/All_In_The_Federal_Strategic_Plan_to_Prevent_and_End_Homelessness.pdf

⁵⁴ The White House: Factsheet: Biden-Harris Administration Announces New Initiative to Tackle Unsheltered Homelessness, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/18/fact-sheet-biden-harris-administration-announces-new-initiative-to-tackle-unsheltered-homelessness/>

⁵⁵ Criminalization of Homelessness Factsheet, Eric Tars, Legal Director, National Homelessness Law Center, https://nlihc.org/sites/default/files/AG-2021/06-08_Criminalization-of-Homelessness.pdf; HUD Continuum of Care Grant Application, <https://files.hudexchange.info/resources/documents/Revised-FY-2015-CoC-Program-NOFA.pdf>

⁵⁶ Sec. Marcia Fudge, To address homeless encampments, we must put housing first, Apr. 28, 2023, <https://thehill.com/opinion/congress-blog/3978950-to-address-homeless-encampments-we-must-put-housing-first/>



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spent on supportive services and housing programs.⁵⁷ Furthermore, HUD has analyzed and released data showing that pandemic relief efforts such as emergency rental assistance, eviction moratoria, stimulus payments, and expanded unemployment insurance and Child Tax Credits-temporarily reduced homelessness and prevented a rise in housing instability during the COVID-19 pandemic.⁵⁸

Several local and state pilot projects have focused on guaranteed income to address homelessness. In Atlanta, the Income Mobility Program for Atlanta Community Transformation (I.M.P.A.C.T.) provides residents with unrestricted cash payments of \$500 per month for one year.⁵⁹ The City of Birmingham partnered with the Mayors for a Guaranteed income program, Embrace Mothers that provides \$375 a month for 12 months through a random drawing.⁶⁰ In Jackson, Mississippi, the Springboard to Opportunities, a resident-driven non-profit created a new initiative, The Magnolia Mother's Trust, that provides low-income Black mothers \$1,000 cash on a monthly basis, no strings attached, for 12 months.⁶¹ In Ann Arbor Michigan, the city allocated \$1.6 million of its Federal American Rescue Plan dollars to fund the program with University of Michigan's Poverty Solutions to pilot a guaranteed basic income program aimed at low- and moderate-income entrepreneurs in Ann Arbor.⁶² New York City also launched a public-private 2-year partnership that provides \$1,250 per month of direct cash transfers and optional supportive services to young adults experiencing homelessness, with a similar goal to study the impacts.⁶³ In Santa Clara, California, 150 families experiencing or at risk of homelessness will receive \$1,000 a month of income for two years as part of the Silicon Valley Guaranteed Income Project.⁶⁴

Addressing mental health needs is another avenue some states are taking to help individuals experiencing homelessness. In 2022, Georgia enacted The Mental Health Parity Project to

⁵⁷ HUD announces more than \$3.1 billion to help people experiencing homelessness, Jul. 5, 2023,

https://www.hud.gov/press/press_releases_media_advisories/hud_no_23_134

⁵⁸ USICH, Federal Strategic Plan, Aug. 28, 2023, <https://www.usich.gov/news/new-hud-data-show-federal-covid-relief-prevented-rise-in-homelessness>

⁵⁹ Guaranteed Income Pilots Dashboard, <https://guaranteedincome.us/atlanta>

⁶⁰ Embrace Mothers, <https://www.birminghamal.gov/embracemothers>

⁶¹ The Magnolia Mother's Trust, <https://springboardto.org/magnolia-mothers-trust/>

⁶² "Ann Arbor to pilot guaranteed basic income program in partnership with University of Michigan's Poverty Solutions," Jun. 6, 2023, <https://poverty.umich.edu/2023/06/06/ann-arbor-to-pilot-guaranteed-basic-income-program-in-partnership-with-university-of-michigans-poverty-solutions/>

⁶³ Public-Private Partnership Launches the First Direct Cash Transfer Study for Addressing Young Adult Homelessness. First Project Begins in New York City. NYC Nonprofit Agencies Can Apply For Funding To Staff And Implement The Pilot Program. PRNewswire, Jun. 15, 2021, <https://www.prnewswire.com/news-releases/public-private-partnership-launches-the-first-direct-cash-transfer-study-for-addressing-young-adult-homelessness-first-project-begins-in-new-york-city--nyc-nonprofit-agencies-can-apply-for-funding-to-staff-and-implement-the-pilo-301314199.html>

⁶⁴ Destination Home, Guaranteed Income, <https://destinationhomesv.org/our-strategies/guaranteed-income>



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expand mental health coverage across the state and create a commission designed to coordinate new initiatives to keep people out of the criminal legal system and provide services to improve outcomes for those experiencing homelessness.⁶⁵ This project was modeled after the Federal Mental Health Parity and Addiction Equity Act.⁶⁶

The Mayor of the City of Atlanta, Georgia signed an executive order in August 2023 to invest \$4 million into a new housing plan for residents experiencing homelessness.⁶⁷ This project would refurbish shipping containers donated by the Georgia Management Agency into places to live for the unhoused. While welcomed, the effort comes more than six years after the city worked with downtown business interests to force the closure of Atlanta's largest homeless shelter, leaving hundreds of people with nowhere to go.⁶⁸

Some efforts to combat homelessness include bringing together funds through public-private partnerships. For example, in Seattle, Washington, Amazon, Starbucks, Microsoft, and the Bill & Melinda Gates Foundation, and Steven and Connie Balmer committed more than \$10 million to address homelessness.⁶⁹

Milwaukee, Wisconsin has had zero families living on the streets since 2020.⁷⁰ This incredible process is credited to cross-system solutions. In 2020, the United Way partnered with the Milwaukee Continuum of Care to develop the Safe and Stable Homes: Ending Family Homelessness (SASH) Initiative. This interagency group meets quarterly to adopt collaborative strategies and focus on 1) conducting a community-wide education and fundraising campaign to cover the cost of the strategies; 2) researching and sharing best practices for homelessness prevention; and 3) evaluating SASH's programs, policies, and progress. For example, in Ozaukee County, daily calls occur between family shelters and rapid rehousing providers to ensure families are quickly provided emergency shelter, housing vouchers, and homelessness prevention resources. In Milwaukee County, weekly prevention meetings are spent matching at-risk clients with case managers to slow the flow of families into homelessness and shelters. Milwaukee County also implemented Eviction Free MKE, which provides free and same-day

⁶⁵ Georgia HB 1013, <https://www.legis.ga.gov/legislation/61365>

⁶⁶ CMS.gov, The Mental Health Parity and Addiction Equity Act, <https://www.cms.gov/marketplace/private-health-insurance/mental-health-parity-addiction-equity>

⁶⁷ Dormiya Vance, City of Atlanta invests \$4 million into new housing plan for homeless residents, Aug. 8, 2023, <https://www.wabe.org/city-of-atlanta-and-partners-invest-4-million-into-new-housing-plan-for-homeless-individuals/>

⁶⁸ Sam Whitehead, "Atlanta's Homeless Face Uncertain Future As Peachtree-Pine Closes, Georgia Public Broadcasting," Aug. 25, 2017, <https://www.gpb.org/news/2017/08/25/atlantas-homeless-face-uncertain-future-peachtree-pine-closes>

⁶⁹ "Companies, philanthropists award \$10 million to combat homelessness," Philanthropy news, Feb. 22, 2022, <https://philanthropynewsdigest.org/news/companies-philanthropists-award-10-million-to-combat-homelessness>

⁷⁰ USICH, Milwaukee is Close to Ending Family Homelessness, Jul. 25, 2023, <https://www.usich.gov/news/milwaukee-is-close-to-ending-family-homelessness.-heres-how>



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legal representation to help low-income people avoid eviction and thus homelessness. They also created Family Flex Fund, a flexible cash pot to help families who need it but don't qualify for certain government assistance. This fund had tiers of financial and case management support that could be used for rental, energy, or material needs for families.

4. Closing

The SPLC believes that the best way to address homelessness is to create “Housing First” policies that prioritize providing permanent housing for individuals first to allow them to address their basic needs first, without interposing hurdles that must be cleared to gain access to housing, such as substance abuse treatment or employment. Research also supports that high housing costs are a driving factor to high homelessness and more affordable housing and rental assistance can reduce housing insecurity.⁷¹

Measures that will help lift people out of homelessness include:

- Increasing incentives for the private sector to create and allocate more affordable housing, particularly housing that is affordable to extremely low-income individuals,
- Prioritizing housing first and permanent supportive housing to address complex needs of persons experiencing chronic homelessness instead of measures that punish people for their lack of housing and disabilities,
- Creating incentives, including through federal funding for local and state governments to decriminalize homelessness and instead invest in proven evidence-based solutions,
- Addressing food insecurity and affordable childcare,
- Providing cash payments to individuals,
- Investing in wrap-around services that public schools can provide for low-income families,
- Providing different types of emergency services so that individuals can receive long-term support outside of the criminal legal system, and
- Expanding Fair Housing Laws to protect tenants from income-based discrimination could also help reduce the housing-insecure population.

⁷¹ Alex Horowitz, “How Housing Costs Drive Levels of Homelessness,” Aug. 22, 2023, <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/08/22/how-housing-costs-drive-levels-of-homelessness>; Peggy Bailey, “Addressing the Affordable Housing Crisis Requires Expanding Rental Assistance and Adding Housing Units,” Center for Budget and Policy Priorities, Oct. 23, 2022, <https://www.cbpp.org/research/housing/addressing-the-affordable-housing-crisis-requires-expanding-rental-assistance-and>; Testimony of Anna Oliva, “Ending Homelessness: Addressing Local Challenges in Housing the Most Vulnerable,” Feb. 2, 2022, <https://www.cbpp.org/research/housing/ending-homelessness-addressing-local-challenges-in-housing-the-most-vulnerable>



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Policies that target and criminalize unhoused people for conduct essential to survival do nothing to address the root causes of homelessness, instead, they punish people for their economic situation. We thank you for collecting this important information and appreciate your consideration. Please let us know if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theresa Lau', with a long horizontal flourish extending to the right.

Theresa Lau
Senior Policy Counsel for Eradicating Poverty, Policy
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(571) 609-1890

Cc: Lisa Borden, Senior Policy Counsel, International Advocacy, Southern Poverty Law Center

SPLC UN Submission: Decriminalize Homelessness and Extreme Poverty

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Montgomery, AL

Alabama Code Title 13A. Criminal Code § 13A-11-9¹

- (a) A person commits the crime of loitering if he or she does any of the following:
- (1) Loiters, remains, or wanders about in a public place for the purpose of begging.
 - (2) Loiters or remains in a public place for the purpose of gambling.
 - (3) Loiters or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or sodomy.
 - (4) Being masked, loiters, remains, or congregates in a public place.
 - (5) Loiters or remains in or about a school, college, or university building or grounds after having been told to leave by any authorized official of the school, college, or university, not having any reason or relationship involving custody of or responsibility for a pupil or any other specific, legitimate reason for being there, and not having written permission from a school, college or university administrator.
 - (6) Loiters or remains in any transportation facility, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade, or commercial transactions involving the sale of merchandise or services.
 - (7) Loiters or remains in any place with one or more persons for the purpose of unlawfully using or possessing a dangerous drug.
- (b) A person does not commit a crime under subdivision (a)(4) if he or she is going to or from or staying at a masquerade party, or is participating in a public parade or presentation of an educational, religious, or historical character or in an event as defined in Section 13A-11-140.
- (c) Sodomy in subdivision (a)(3) is defined as in Section 13A-6-60.
- (d) Dangerous drug in subdivision (a)(7) means any narcotic, drug, or controlled substance as defined in Chapter 2 of Title 20 and any schedule incorporated therein.
- (e) Loitering is a violation.

¹ [https://codes.findlaw.com/al/title-13a-criminal-code/al-code-sect-13a-11-9/#:~:text=\(a\)%20A%20person%20commits%20the,for%20the%20purpose%20of%20gambling.](https://codes.findlaw.com/al/title-13a-criminal-code/al-code-sect-13a-11-9/#:~:text=(a)%20A%20person%20commits%20the,for%20the%20purpose%20of%20gambling.)

Montgomery, AL

HB 24: prohibiting loitering²

Enrolled, An Act,

Relating to crimes and offenses; to amend Sections 13A-11-9 and 32-5A-216, Code of Alabama 1975, to prohibit an individual from loitering on a public roadway maintained by the state; or in the right-of-way of a public roadway maintained by the state; to provide criminal penalties for violations; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-11-9 and 32-5A-216, Code of Alabama 1975, are amended to read as follows:

"§13A-11-9

(a) A person commits the crime of loitering if he or she does any of the following:

(1) Loiters, remains, or wanders about in a public place for the purpose of begging.

(2) Loiters or remains in a public place for the purpose of gambling.

(3) Loiters or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or sodomy.

(4) Being masked, loiters, remains, or congregates in a public place.

(5) Loiters or remains in or about a school, college, or university building or grounds after having been told to leave by any authorized official of the school, college, or university, not having any reason or relationship involving custody of or responsibility for a pupil or any other specific, legitimate reason for being there, and not having written permission from a school, college, or university administrator.

(6) Loiters or remains in any transportation facility, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade, or commercial transactions involving the sale of merchandise or services.

(7) Loiters or remains in any place with one or more persons for the purpose of unlawfully using or possessing a

² <https://legiscan.com/AL/text/HB24/2023>

dangerous drug.

(8) Loiters, or remains, on a public roadway maintained by the state or the right-of-way of a public roadway maintained by the state.

(b) A person does not commit a crime under subdivision (a)(4) if he or she is going to or from or staying at a masquerade party, or is participating in a public parade or presentation of an educational, religious, or historical character or in an event as defined in Section 13A-11-140.

(c) Sodomy in subdivision (a)(3) is defined as in Section 13A-6-60.

(d) Dangerous drug in subdivision (a)(7) means any narcotic, drug, or controlled substance as defined in Chapter 2 of Title 20 and any schedule incorporated therein.

(e) Loitering is a violation. A second or subsequent violation of this section in the same jurisdiction is a Class C misdemeanor.

(f)(1) Prior to making an arrest for a violation of subdivision (a)(1), a law enforcement officer may instruct any person in violation of subdivision (a)(1) to immediately and peaceably exit the public roadway maintained by the state or the right-of-way of the public roadway maintained by the state.

(2)a. Prior to making an arrest for an initial violation of subdivision (a)(1), a law enforcement officer may offer to transport any person in violation of subdivision (a)(1) to a location in the jurisdiction that offers emergency housing, if applicable.

b. If a person accepts an offer made pursuant to subdivision (1), a law enforcement officer may transport the person accordingly.

(g) Any actions undertaken by a law enforcement officer pursuant to this section shall be subject to Section 36-1-12." "§32-5A-216

(a) No person shall stand in a roadway for the purpose of soliciting a ride.

(b) No person shall stand on a highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle, nor for the purpose of distributing any article, unless otherwise authorized by official permit of the governing body of the city or county having jurisdiction over the highway.

(c) No person shall stand on or in proximity to a

street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(d) No person shall fish from a bridge, viaduct, or trestle, or the approaches thereto, within the State of Alabama, unless otherwise authorized by the governing body of the city or county having jurisdiction over the highway or from the State of Alabama in the case of state highways. The authorizing authority shall erect and maintain appropriate signs giving notice that fishing is allowed."

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Mobile, AL

Section 1. Amendment of Chapter 39, Article IV³:

Chapter 39, Article IV, of the Mobile City Code, 1991, is hereby amended to add a new Sec. 39-102 to be stated as follows:(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning: "Bridge" means a structure, including the approaches thereto, erected in order to afford passage over any obstruction in any public road, railroad, or other right-of-way; or to afford passage under or over existing public roads, railroads, or other rights-of-way. As used in this section the definition of "Bridge" shall include a controlled access highway overpass as defined herein." Camp" or "Camping" means the use of a street, sidewalk, other right-of-way, any area underneath a Bridge, any city-owned park, and/or any Public property, as defined herein, within the City of Mobile for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making a fire, or carrying on cooking activities, or using a tent or other structure for habitation. These activities constitute camping if, in light of all the circumstances, it reasonably appears that in conducting one or more of these activities, the participant is in fact using the area as a living accommodation, regardless of the intent of the participant or the nature of any other activities in which s/he may also be engaging. "City" means the City of Mobile. "Controlled access highway overpass" means a crossing of two controlled access highways or of a controlled access highway and other public road, pedestrian path, railroad or public right-of-way at different levels where clearance to traffic on the lower level is obtained by elevating the higher level. "Interference (or "Interfere")with Ingress and Egress" means standing, sitting, lying down, using personal property, or performing any other activity on public property and/or in a City-owned park, where such activity: a) materially interferes with the ingress into and egress from buildings, driveways, streets, alleys, or any other real property that has a limited number of entrances/exits, regardless of whether the property is owned by the City ,a private owner or another public entity; b) reasonably appears, in light of all of the circumstances, to have the purpose of blocking ingress and egress; and c) occurs without the express written permission of the owner of the property at issue. Where written permission has been granted, the individuals interfering with ingress and egress must have possession of the permission at the time of the activity in question. "Park" or "Parks" means any City-owned park. "Public Property" means any street, sidewalk, other right-of-way, and/or any City-owned real property within the City of Mobile. "Storing (or "Store") Personal Property" means leaving one's personal effects unattended on Public Property, in any area underneath a Bridge, and/or in a Park, such as but not limited to clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks. This term does not include parking a bicycle or other mode of transportation in an area clearly designate for such parking.(b) It shall be unlawful for any person to Camp.(c) It shall be unlawful for any person to Store Personal Property.(d) It shall be unlawful for any person to Interfere with Ingress and

³ <https://www.al.com/news/2022/01/is-anti-camping-ordinance-aimed-at-mobiles-homeless-council-set-to-debate.html#:~:text=On%20Tuesday%2C%20the%20councilman%20released,to%20six%20months%20in%20jail.>

Egress.(e) No person may be arrested or cited for violating this section until he or she has received an oral or written warning from the Mobile Police Department or other City enforcement officer to cease the conduct prohibited by this section and a reasonable time for compliance has passed. If the violator fails to comply with the warning issued, he or she may be arrested or cited for violation of this section.(f) The prohibitions set forth in subsections (c) and (d) above shall not apply to City-permitted or approved construction, excavation or other work in a public right-of-way or on Public Property or in a Park.(g) The prohibitions set forth in this section shall not apply to city, state, or county officials or employees acting in their official capacity, performing the activities as part of their official city duties.(h) The prohibitions set forth in this section shall not apply to city, state, or county contractors or subcontractors where said activities are associated and performed in conjunction with the scope of work set forth in the city contract.(i) It shall be unlawful for any person to violate any of the provisions of this section. Any person or entity found guilty of violating any provision of this section shall, upon conviction for such violation, be punished by a fine in a minimum amount of one hundred dollars (\$100.00), not to exceed a maximum amount of five hundred dollars (\$500.00),and, in addition thereto, such person, at the discretion of the court trying the case, may be imprisoned for a period not exceeding six (6) months. Section 2. Further Amendments to City Code.(a) Sec. 1-31, Mobile City Code, 1991, is hereby amended to include and reference this Ordinance on the tables set forth therein under the Sub-sections (1) Ordinances and (2)City Code.(b) Sec. 1-32, Mobile City Code, 1991, the Schedule of Fines, is hereby amended to include and reference this Ordinance and the above stated minimum fine in the tables set forth therein under the Sub-Sections (1) Ordinances and (2) City Code. Section 3. Miscellaneous.(a) All other provisions and sections of the Mobile City Code, 1991, not amended herein shall remain in full force and effect, and it is intended that this Ordinance be read in pari materia with all other existing City Ordinances.(b) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.(c) This Ordinance shall be effective within the City of Mobile immediately upon its adoption and publication as required by law

Miami Beach, FL

Sec. 70-45. - Camping prohibited.⁴

(a) Definitions. (1) Camping means:

- a. Sleeping in a temporary shelter out-of-doors or otherwise being in a temporary shelter out-of-doors; or
- b. Cooking over an open flame or fire out-of-doors or utilizing non-city designated cooking facilities outdoor.

(2) Public place means any public street, sidewalk, alley, or other public right-of-way, pedestrian mall, park, playground, beach, beach access or government-owned areas within the city.

(b) Prohibited activities. It shall be unlawful for any person to engage in camping on any public place within the city unless specifically authorized for that purpose by the city manager or his designee.

(c) Evidence of camping. Prior to enforcing a violation of this section, an officer must consider the following:

(1) Simply being asleep in a public place is not sufficient to constitute a violation of this section; and

(2) Camping must be taking place in a public place;

(3) The person who is engaged in camping must be inside or covered with material which provides a temporary cover from the elements, including but not limited to, a tent, sleeping bag, hammock, or blankets, cots, beds, tarpaulins, newspapers, or cardboard; or, the person has built a campfire.

(d) Enforcement and penalties. Any person who is observed engaged in camping in an unauthorized area shall vacate the public place upon the request of an authorized official or law enforcement officer. The willful refusal to vacate the area shall be punished in accordance with section 1-14 of this Code. If a law enforcement officer or other authorized official encounters a person engaged in camping who volunteers that he or she has no home or other permanent shelter, he or she must be given an opportunity to enter a homeless shelter or similar facility, if available. If no such facility is available, an arrest may not be made.

(Ord. No. 2002-3353, § 1, 3-20-02)

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https://library.municode.com/fl/miami_beach/codes/code_of_ordinances?nodeId=SPAGEOR_CH70MIOF_ARTIIP_UPL_DIV1GE_S70-45CAPR

Miami-Dade, FL

ARTICLE II. - PUBLIC FEEDING Sec. 25-25. - Regulations for large group feedings. ⁵

- (a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

Director means the director of the city's department of human services including his/her designee.

Large group feeding means an event intended to attract, attracting, or likely to attract 25 or more people, including distributors and servers for the delivery or service of food in a public space. Excluded from this definition are activities of city permitted, licensed, or contracted concessionaires, lessees, or licensees.

Public space means any dedicated or undedicated public street, highway, sidewalk, park, parkway, right-of-way, alley, public ways, or any other public places within the city, including city-owned buildings or city-property. Public space shall also include the buildings of any governmental agency within the city including federal, state, and county owned buildings.

Street or *streets* means the surface, the air space above the surface, and the area below the surface of any public street, highway, road, boulevard, concourse, driveway, freeway, thoroughfare, parkway, sidewalk, bridge, tunnel, park, waterway, dock, bulkhead, wharf, pier, court, lane, path, alley, way, drive, circle, easement, or any other public right-of-way or public place, including public utility easements dedicated for compatible uses, or any other property in which the city holds any kind of property interest or over which the city exercises any type of lawful control, and any temporary or permanent fixtures or improvements located thereon including city-owned buildings or city-property.

- (b) Except for activities of a governmental agency within the scope of its governmental authority or unless specifically permitted to do so by a permit or approval issued pursuant to this section by the city commission or the city manager, as applicable, it shall be unlawful to undertake large group feedings in public spaces unless the person(s) serving the food:

(1) Obtains a large group feeding permit issued by the director. The director shall issue a large group feeding permit based upon the following criteria:

a. The application must be submitted at least two business days prior to the planned large group feeding event.

b. The application must contain the following information:

1. The name of the individual(s) or organization that will be serving or distributing food;
2. The date(s) when food is anticipated to be served or distributed;
3. The times of day when food service and distribution is anticipated to be served or distributed on each date listed in the notice;
4. Identification of one of the permitted large group feeding locations designated by the city manager, as specified herein, at which the applicant desires to serve or distribute food; and

⁵

https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIITHCO_CH25HURE_ARTIIPUFE_S25-25RELAGRFE&wdLOR=cC1FD5F6D-0BD1-4D45-BB29-9FC8B562ABD8

5. The approximate or expected number of food preparers and servers on the site where the food is anticipated to be served or distributed and the approximate or expected number of individuals that will be served.

c. Large group feeding permits will be limited to one per day for any given designated feeding location and permits will be issued on a first come, first served basis, based on the availability of the desired designated feeding location.

d. Any individual or organization is permitted a maximum of one large group feeding permit per week regardless of which designated feeding location is utilized. Individuals associated with an organization must indicate such association on any application for a large group feeding permit and this limitation will apply to the organization even if multiple individuals may desire to apply for a permit on behalf of the organization.

e. Organizations who submit applications for a large group feeding permit through individuals without those individuals disclosing their association with the organization will be subject to being precluded from receiving large group feeding permits for a period of up to 12 months.

(2) The permit holder shall remove or cause the removal of substantially all trash or debris from the feeding site that was generated by the service or distribution of food and deposit the trash or debris in the provided public trash receptacle(s) or in a private trash receptacle if permission from the receptacle owner was obtained.

The city will use its best efforts to provide support services at designated feeding locations for any permitted large group feeding, including, but not limited to containers or receptacles for disposal of waste; restroom facilities; handwashing stations; and the availability of city staff to assist with outreach to the homeless.

(c) Designated feeding locations. The city manager shall identify at least five designated feeding locations within the city at which large group feedings are permitted to take place that have the following characteristics:

(1) Within easy walking distance to locations where large groups of homeless are known to congregate;

(2) Paved;

(3) Adequate parking for those conducting the large group feedings; and

(4) Adequate lighting for the large group feeding activities.

The city manager is authorized to amend the designated feeding locations from time to time and as needed, within the city manager's sole discretion, to best balance the needs of all parties involved in large group feedings.

(d) Penalties. A violation of this section shall be enforced against the individual or organization by the issuance of a civil code enforcement fine in the amount of \$250.00 for a first occurrence and a civil fine in the amount of \$500.00 for each subsequent occurrence in accordance with [chapter 2](#), article X of the City Code. Repeat violations in any one calendar year may also subject the repeat violator to being precluded from receiving large group feeding permits for a period of up to 12 months.

(Ord. No. 13907, § 2, 6-25-20)

Ocala, Florida

City Code: Sec. 42-10.⁶ - Trespass and unlawful lodging.

(a) Definitions.

(1) "*Lodge*" means to rest while awake or sleep on property described in subsection (b) of this section when one is:

- a. Inside, on, or near a tent or sleeping bag, or asleep atop or covered by materials (i.e., bedroll, cardboard, newspapers) or inside some form of temporary shelter; and/or
- b. Near a campfire he or she has built; and/or
- c. When awakened relates that he or she is otherwise homeless.

(2) "*Person without authority*" means one who has not received authorization, license, or invitation by any owner or lessee, or his or her agent.

(b) Prohibitions.

(1) It shall be unlawful for any person without authority to trespass upon, enter, or remain in any church building or other public building, swimming pool, or enclosure surrounding any swimming pool, public building or athletic field in the city, except during the hours and at such times when such premises or building may be lawfully open for use by the public.

(2) It shall be unlawful for any person at any time to lodge in the open on private property, in vacant lots, in or under any bridge or structure, in any railroad car, without owning the same or without permission of the owner or person entitled to possession of same.

(3) It shall be unlawful for any person at any time to lodge in the open on public property, to include, but not limited to, government buildings, parks, sidewalks, public benches or government owned right-of-way.

(c) *Evidence.* Merely sleeping in a place listed in subsection (b) of this section shall not be enough for a citation or arrest under this section. There must be one or more indicia of lodging, including but not limited to those listed in subsection (a)(1).

6

https://library.municode.com/fl/ocala/codes/code_of_ordinances?nodeId=PTIICOOR_CH42MIOF#:~:text=42%2D10.,%2D%20Trespass%20and%20unlawful%20lodging.

Georgia

SB535 Reducing Street Homelessness Act of 2022⁷

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to provide for targeted state funding for projects such as safe parking areas, structured
3 camping facilities, and individual unit shelters; to provide for allocation of state funding
4 under certain conditions; to provide for grant-allocation contracts and state grants; to provide
5 for the designation of structured camping facilities on state property; to provide for a
6 prohibition on use of undesignated state property for camping; to provide for definitions; to
7 provide for applicability; to provide for violations and penalty; to provide for immunity; to
8 provide for related matters; to provide for a short title; to provide for an effective date; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 This Act shall be known and may be cited as the "Reducing Street Homelessness Act of
13 2022."

14 SECTION 2.

15 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
16 in Article 1 of Chapter 8, relating to general provisions relative to the Department of
17 Community Affairs, by adding a new Code section to read as follows:

18 "50-8-19.

19 (a) As used in this Code section, the term:

20 (1) 'Continuums of care' or 'CoCs' means the local homeless services organizations used
21 to direct state funds as further defined in 24 C.F.R. Section 578.3; provided, however,
22 that such term shall not include public housing authorities.

23 (2) 'Nonprofit' means a nonprofit organization exempt from taxation under Section
24 501(c)(3) of the Internal Revenue Code of 1986.

25 (3) 'State funds' means funds allocated to the department by the Homelessness Assistance
26 and Supportive Services Program pursuant to Section 3205 of the American Rescue Plan
27 Act of 2021, or any such subsequent funds that may be specifically appropriated for
28 purposes of this Code section.

29 (4) 'Structured camping facilities' means state property designated by the State Properties
30 Commission pursuant to Code Section 50-16-192 or other property designated by the
31 department for use by homeless individuals for camping or sleeping.

32 (b) Unless otherwise prohibited by applicable federal requirements, state funds allocated
33 to municipalities, continuums of care, or nonprofits shall be directed to the following:

34 (1) Parking areas, where each area shall provide:

35 (A) Access to basic utilities sufficient to serve all of the parking areas;

36 (B) Basic utilities, including water and electricity outlets; and

37 (C) Access to bathrooms sufficient to serve all of the parking areas;

⁷ <https://www.legis.ga.gov/api/legislation/document/20212022/207090>

38 (2) Structured camping facilities, where individuals experiencing homelessness may
39 camp and store personal property at areas identified to the individual by the department
40 or an operator designated by the department;

41 (3) Individual shelters, which shall:

42 (A) Be suitable to house between one and three individuals;

43 (B) Provide basic sleeping accommodations and access to electricity;

44 (C) Provide adequate access to showers and bathroom facilities; and

45 (D) Be limited to occupation by each individual for a period of six months; and

46 (4) Performance-based funding contracts, which shall allow:

47 (A) Each CoC to survey homeless individuals living within the area in which the CoC
48 operates, including such individuals in local hospitals, jails, and homeless shelters. The
49 survey should be conducted as far as possible in tandem with the annual point-in-time
50 count of homeless individuals, and the information shall be included in the Homeless
51 Management Information System. All law enforcement agencies shall be required to
52 cooperate with such survey. The survey shall account for the following factors among
53 homeless individuals:

54 (i) Days unhoused or in shelters in the year preceding the survey date;

55 (ii) Days spent in any state or federal correctional facility in the year preceding the
56 survey date; and

57 (iii) Days hospitalized in the year preceding the survey date;

58 (B) Each CoC to identify individuals with the greatest number of combined total days
59 as determined pursuant to subparagraph (A) of this paragraph, and then the Department
60 shall award all state funds to nonprofits willing and competent to assist such
61 individuals. In so far as practicable, the state shall randomly select individuals from the
62 group with the greatest number of combined total days as determined pursuant to
63 subparagraph (A) of this paragraph, and award grants to nonprofits that reduce the
64 combined days of those individuals relative to the nonselected group, with bonuses of
65 up to 20 percent of the grant to be spent on other homeless services as approved by the
66 department, with the days to be weighted as the department sees fit;

67 (C) Each nonprofit selected for funding pursuant to subparagraph (B) of this paragraph
68 shall be eligible to receive a three-year grant;

69 (D) In lieu of the grant authorized pursuant to subparagraph (A) of this paragraph, each
70 CoC may recommend for a grant other nonprofits that monitor and reduce the combined
71 days of homeless individuals using at least two of the three factors contained in
72 subparagraph (A) of this paragraph, with bonuses determined as in subparagraph (B)
73 of this paragraph. Such contracts shall be approved at the discretion of the department;
74 and

75 (E) CoCs may use state grants for conducting surveys pursuant to this paragraph, but
76 such expenses shall not exceed 10 percent of the total grant amount to nonprofits or
77 other groups in the CoC.

78 (e)(1) No state funds shall be allocated to any municipality, CoC, or nonprofit for the
79 construction of any short-term housing that costs more than \$35,000.00 per bed to
80 construct, excluding the price of land.

81 (2) No state funds shall be allocated to any municipality, CoC, or nonprofit in
82 municipalities that show an increase in unsheltered homeless of 50 individuals or more
83 for two consecutive years, or that refuses to enforce laws prohibiting unauthorized
84 camping and sleeping in public.

85 (f)(1) If a municipality has a higher per-capita level of unsheltered homelessness than the
86 state average, then such municipality may dedicate up to 25 percent of its Edward Byrne
87 Memorial Justice Assistance Grant funds and up to 25 percent of all grants it receives
88 pursuant to the Community Programs Unit of the Criminal Justice Coordinating Council
89 to the creation of homeless outreach teams. Such homeless outreach teams shall:

90 (A) Be composed of police officers and social service and mental health professionals;

91 (B) Work to move individuals camping and sleeping in public or private places not fit
92 for human habitation into homeless services; and

93 (C) Enforce all state laws prohibiting unauthorized camping and sleeping in public,
94 except in structured camping facilities, and implement policies to move homeless
95 individuals through drug or mental health courts whenever possible.

96 (2) The continuation of state grants to homeless outreach teams shall be contingent on
97 the certification that the municipality meets the conditions as set forth in paragraph (1)
98 of this subsection.

99 (3) On and after July 1, 2023, any municipality with a per-capita level of homelessness
100 higher than the state average that refuses to enforce laws prohibiting unauthorized
101 camping or sleeping in public, except in structured camping facilities, shall receive no
102 further grants of any kind from the department or any state grants for public safety, and
103 no nonprofit located within such municipality shall receive any such grants from the
104 department or tax credits allocated by the department, until the per-capita level of
105 unsheltered homelessness is at or below the state average or the municipality enforces
106 such laws prohibiting unauthorized camping and sleeping in public; provided, however,
107 that this paragraph shall not apply to grants from the department or state grants for public
108 safety that are clearly restricted by federal law, regulation, or court order.

109 (4) This subsection shall not apply to any county and shall not be construed to restrict
110 any actions or impose any obligations on funding for any county law enforcement
111 agency."

112 SECTION 3.

113 Said title is further amended in Chapter 16, relating to public property, by adding a new
114 article to read as follows:

115 "ARTICLE 8

116 50-16-190.

117 As used in this article, the term:

118 (1) 'Camping' means temporary habitation outdoors as evidenced by one or more of the
119 following actions: the erection or use of tents or other shelters; the laying down of
120 sleeping bags, blankets, or other materials used for bedding; the placing or storing of
121 personal belongings; the making of a fire; or the act of cooking.

122 (2) 'Commission' means the State Properties Commission.

123 (3) 'Department' means the Department of Community Affairs.

124 (4) 'State property' means any building, land, or other real property owned, leased, or
125 occupied by any department, commission, board, or other entity of the state; provided,
126 however, that such term shall not include any portion of road or right-of-way on the state
127 highway system.

128 (5) 'Structured camping facilities' means state property designated by the commission
129 pursuant to Code Section 50-16-192 for use by homeless individuals for camping or
130 sleeping.

131 50-16-191.

132 (a) It shall be unlawful for any person to knowingly use any portion of state property for
133 camping or setting up long-term homeless shelters except in structured camping facilities.

134 (b) Nothing in this Code section shall prohibit the normal, customary, and temporary use
135 of recreational camping areas, safety rest areas, welcome centers, tourist centers, and other
136 property of the state specifically designated for purposes of resting, sleeping, eating, or
137 other similar activities for recreational purposes or by persons traveling by vehicle.

138 (c) This Code section shall not apply to state or local government officials or employees
139 acting in their official capacity and while performing activities as part of their official
140 duties and shall not apply to any employee of a contractor or subcontractor performing
141 duties under a contract with the state.

142 (d) Any person convicted of violating this Code section shall be guilty of a misdemeanor;
143 provided, however, that upon the first violation, the person shall be given a citation and a
144 referral to treatment services.

145 50-16-192.

146 (a) The commission, in coordination with the department, shall designate areas of state
147 property for the creation of structured camping facilities to house homeless individuals,
148 including such individuals removed from state property. Such designated areas shall be
149 managed by the department or an operator designated by the department.

150 (b) Structured camping facilities shall not be subject to otherwise applicable building
151 codes or ordinances.

152 (c) Individuals experiencing homelessness may camp and store personal property at
153 structured camping facilities designated by the department pursuant to subsection (a) of this
154 Code section subject to the following:

155 (1) Individuals may camp and store personal property only in the specific structured
156 camping facilities identified to the individual by the department or an operator designated
157 by the department;

158 (2) Individuals shall be required to complete mental health and drug treatment
159 evaluations as designated by the department; and

160 (3) Failure to comply with the department or its operator's requirements may result in the
161 individual's immediate removal from a structured camping facility.

162 (d) A person that operates, manages, or otherwise controls a structured camping facility
163 shall be immune from liability for all civil claims, except for claims relating to such
164 person's intentional or grossly negligent conduct arising out of the operation, management,
165 or control of such facility."

166 SECTION 4.

167 This Act shall become effective on January 1, 2023.

168 SECTION 5.

169 All laws and parts of laws in conflict with this Act are repealed.

Georgia

SB 62:⁸ SECTION 1.

12 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
13 provisions applicable to counties and municipal corporations, is amended by adding a new
14 Code section to read as follows:

15 "36-60-30.

16 (a) A county or municipal corporation shall not adopt or enforce any policy under which
17 the county or municipal corporation prohibits or discourages the enforcement of any order
18 or ordinance prohibiting unauthorized public camping, sleeping, or obstruction of
19 sidewalks.

20 (b) A county or municipal corporation shall not prohibit or discourage a peace officer or
21 prosecuting attorney who is employed by or otherwise under the direction or control of
22 such county or municipal corporation from enforcing any order or ordinance prohibiting
23 unauthorized public camping, sleeping, or obstruction of sidewalks.

24 (c) The provisions of this Code section shall not be construed to prohibit a county or
25 municipal corporation from adopting a policy that encourages diversion programs or that
26 offers the provision of services in lieu of citation or arrest.

27 (d)(1) The Attorney General shall be authorized to bring a civil action in any court of
28 competent jurisdiction against any county or municipal corporation to enjoin a violation
29 of this Code section.

30 (2) The Attorney General may recover reasonable expenses incurred in any civil action
31 brought pursuant to this Code section, including court costs, reasonable attorney's fees,
32 investigative costs, witness fees, and deposition costs."

33 SECTION 2.

34 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
35 in Article 1 of Chapter 6, relating to general provisions relative to the Department of Audits
36 and Accounts, by adding a new Code section to read as follows:

37 "50-6-10.

38 The state auditor shall conduct a performance audit of spending on homeless programs in
39 this state, including expenditures by the state, expenditures by municipalities and counties
40 with substantial homeless populations, and the expenditure of federal funds allocated to the
41 state for homeless programs. The audit shall examine the awarding of contracts and grants
42 relating to homeless services and supports, the metrics used to determine success of the
43 expenditures, and whether the metrics are met by the contractors and grantees. The audit
44 shall be provided to the Governor, Lieutenant Governor, and Speaker of the House of
45 Representatives no later than December 31, 2023."

46 SECTION 3.

47 Said title is further amended in Article 1 of Chapter 8, relating to general provisions relative
48 to the Department of Community Affairs, by adding new Code sections to read as follows:

49 "50-8-19.

50 On and after July 1, 2023, any funds received or held by the department from the

⁸ <https://www.legis.ga.gov/api/legislation/document/20232024/213180>

51 Homelessness Assistance and Supportive Services Program pursuant to Section 3205 of
52 the American Rescue Plan Act of 2021 that are not already obligated and not explicitly
53 restricted from such a use by federal law or regulation, shall be used for the development,
54 purchase, or rehabilitation of and supportive services in transitional housing for homeless
55 individuals, which shall be focused on the needs of people in recovery from substance use
56 disorders, and which insofar as is possible shall adhere to the principles of recovery
57 housing as defined by the United States Department of Housing and Urban Development.
58 50-8-20.

59 (a) As used in this Code section, the term 'sanctioned camping area' means state property
60 designated by the State Properties Commission or other property designated by the
61 department for use by homeless individuals for camping or sleeping.

62 (b) The department shall be authorized to provide funding and other support for sanctioned
63 camping areas.

64 (c) Sanctioned camping areas may include areas designated for camping and for storing
65 personal property, as well as small shelters for no more than two individuals provided by
66 the agency or organization operating the camping facilities.

67 (d) Individuals may only camp and store personal property at such sanctioned camping
68 areas in the areas designated to each individual by the agency or organization providing the
69 camping facilities.

70 (e) Sanctioned camping areas may offer mental health and substance use evaluations
71 designated by the department or a local support agency to individuals in sanctioned
72 camping areas.

73 (f) An owner, operator, or employee of a private camping facility designated as a
74 sanctioned camping area pursuant to this Code section shall be immune from liability for
75 all civil claims, excluding claims involving such owner, operator, or employee's intentional
76 or grossly negligent conduct, arising out of the ownership, operation, management, or other
77 control of such facility.

78 (g) This Code section shall not be construed to prevent counties or municipal corporations
79 from providing local funding for sanctioned camping areas."

80 SECTION 4.

81 All laws and parts of laws in conflict with this Act are repealed.

Baton, Rouge, LA

Sec. 13:107. - Camping in a public area prohibited.⁹

(a) As used in this section, the term:

Camp means the use of a public area for living accommodation purposes for an extended period of time including:

- (1) Storing personal belongings;
- (2) Making a camp fire;
- (3) Using a tent or shelter or other structure for a living accommodation;
- (4) Carrying on cooking activities; or
- (5) Digging or earth breaking activities.

Public area means any and all streets, the area under a highway overpass, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

(b) It shall be unlawful for any person to camp in a public area that is not designated as a camping area by the city-parish.

(c) Unless a police officer determines that there is an imminent health or safety threat, a police officer shall, before citing a person for a violation of this section, make a reasonable effort to:

- (1) Advise the person of a lawful alternative place to camp;
- (2) Confirm available shelter or housing and advise the person of said availability; and
- (3) Contact, if reasonable and appropriate, a city designee who has the authority to offer to transport the person or provide the person with services.

(d) This section does not apply to a person who is:

- (1) Permitted to camp or cook in a city-parish park or is otherwise in compliance with park regulations;
- (2) In the right-of-way because of a medical emergency;
- (3) Operating or patronizing a commercial establishment that conducts business on the sidewalk in compliance with city-parish regulations;
- (4) Participating in or viewing a parade, festival, performance, rally, demonstration, or similar event;
- (5) Sitting on a chair or bench that is supplied by a public agency or by the abutting private property owner;
- (6) Sitting within a bus stop zone while waiting for public or private transportation; or
- (7) Waiting in a line for goods, services, or a public event.

(e) Whoever is found guilty of violating the provisions of this section shall be fined not more than twenty-five dollars (\$25.00) or sentenced to sixty (60) hours of community service as approved by the court. Second and subsequent offenses in violation of this ordinance, the person may be fined not more than two hundred fifty dollars (\$250.00) and/or sentenced to sixty (60) hours of community service. Referral to any available social services may be ordered, at the court's discretion.

⁹ https://hdlegisuite.brla.gov/attachments/2022/legislation_D136F186.pdf ;
https://library.municode.com/la/baton_rouge_east_baton_rouge_parish/codes/code_of_ordinances?nodeId=TIT13C_RLA_S13_107CAPUARPR

Mississippi

SENATE BILL NO. 2145 AN ACT TO CREATE NEW SECTION 17-25-37, MISSISSIPPI CODE OF¹⁰

1 1972, TO PROHIBIT ANY LOCAL ORDINANCE THAT WOULD LEGALIZE CAMPING
2 ON STREETS, ROADS AND SIDEWALKS OR ANY OTHER PUBLIC PROPERTY; TO
3 AMEND SECTIONS 97-35-23 AND 97-35-25, MISSISSIPPI CODE OF 1972, TO
4 CLARIFY THE PROHIBITION ON CAMPING ON PUBLIC SIDEWALKS; AND FOR
5 RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. The following shall be codified as Section
8 17-25-37, Mississippi Code of 1972:

9 17-25-37. (1) Neither the board of supervisors of any
10 county nor the governing authority of any municipality shall
11 adopt, enact or enforce any ordinance authorizing camping on
12 streets, roads, sidewalks or any other public property.

13 (2) For the purposes of this section, the term "public
14 property" does not mean any government-owned or operated state,
15 local or federal campground, recreational campground or other such
16 facility where camping is an authorized activity.

17 SECTION 2. Section 97-35-23, Mississippi Code of 1972, is
18 amended as follows:

20 97-35-23. (1) It shall be unlawful for any person or
21 persons to intentionally obstruct, or interfere with the normal or
22 ordinary free use and passage of vehicles of or on, any public
23 street or highway provided for use by vehicular traffic, or for
24 any person or persons to intentionally obstruct, or interfere with
25 the normal or ordinary free use and passage of pedestrians of or
26 on any public sidewalk provided for foot travel by pedestrians,
27 including camping on a public sidewalk, and any person or persons
28 who do so * * * shall be guilty of a misdemeanor and, upon
29 conviction thereof, shall be punished by a fine of not more than
30 Four Hundred Dollars (\$400.00), or by imprisonment in the county
31 jail for not more than four (4) months, or by both such fine and
32 imprisonment.

32 (2) The provisions of this section are supplementary to the
33 provisions of any other statute of this state.

34 SECTION 3. Section 97-35-25, Mississippi Code of 1972, is
35 amended as follows:

¹⁰ <http://billstatus.ls.state.ms.us/documents/2023/pdf/SB/2100-2199/SB2145IN.pdf>

36 97-35-25. (1) It shall be unlawful for any person or
37 persons to * * * willfully obstruct the free, convenient and
38 normal use of any public sidewalk, street, highway, alley,
39 road * * * or other passageway by camping on the sidewalk or
40 impeding, hindering, stifling, retarding or restraining traffic or
41 passage thereon, and any person or persons violating the
42 provisions of this section shall be guilty of a misdemeanor, and
43 upon conviction thereof, shall be punished by a fine of not more
44 county jail not exceeding six (6) months, or by both such fine and
45 imprisonment.

47 (2) The provisions of this section are supplementary to the
48 provisions of any other statute of this state.

49 SECTION 4. This act shall take effect and be in force from
50 and after July 1, 2023.

Jackson, MS

Sec. 94-1. - Solicitation of funds for fictitious institution.¹¹:

No person shall solicit funds for a charitable or benevolent institution where such charity or such benevolent institution is fictitious.

Gulfport, MS

Sec. 7-3 Begging, It shall be unlawful for any person known as a beggar or mendicant to solicit alms or aid, either directly or indirectly, upon any of the streets or sidewalks within the city.¹²

Southaven, MS

MS Sec. 8-139 (Repealed)¹³ RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI REPEALING THE SOUTHAVEN CODE OF ORDINANCES TITLE VIII, CHAPTER 6, SECTIONS 8-136 – 8-140

WHEREAS, Mississippi Code Section 21-37-3 provides the City of Southaven (“City”) shall have the power to exercise full jurisdiction in the matter of streets, and
WHEREAS, Mississippi Code Section 21-17-5 provides the City shall have the power to alter, modify and repeal orders, resolutions or ordinances with respect to such municipal affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the

¹¹ https://library.municode.com/ms/jackson/codes/code_of_ordinances?nodeId=COOR_CH94PESO

¹²

https://library.municode.com/ms/gulfport/codes/code_of_ordinances?nodeId=PTIICOOR_CH7OFMIPR_ARTIINGE_S7-3BE

¹³

https://library.municode.com/ms/southaven/codes/code_of_ordinances?nodeId=CO_TITVIIIIMIBURE_CH6SOST

Mississippi Code of 1972; and

WHEREAS, in order to control traffic and protect the health, safety, welfare, comfort and convenience of the City's citizens, the City desires to prohibit activity in the City streets and public rights-of-way which obstructs, interferes, or impedes traffic, or creates a danger to pedestrians; and

WHEREAS, the City desires to rely on certain provisions of the Mississippi Code Annotated of 1972, including but not limited to, Miss. Code Section 97-35-25; Miss. Code Section 97-35-23; and Miss. Code Section 63-3-1105 for the purpose of prohibiting activity in the City streets and public rights-of-way, which obstructs, interferes, or impedes traffic, or creates a danger to pedestrians; and

WHEREAS, the prohibition of activity in the City streets and public rights-of-way, which obstructs, interferes, or impedes traffic, or creates a danger to pedestrians, shall be applied in a content neutral manner, so that such restriction applies to all activities; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT BY RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO REPEAL THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE VIII, CHAPTER 6, SECTIONS 8-136 – 8-140 AS FOLLOWS:

Chapter 6 – Interference in Streets

1. City Code of Ordinance Title VIII, Chapter 6, Section 8-136 shall be repealed.
2. City Code of Ordinance Title VIII, Chapter 6, Section 8-137 shall be repealed.
3. City Code of Ordinance Title VIII, Chapter 6, Section 8-138 shall be repealed.
4. City Code of Ordinance Title VIII, Chapter 6, Section 8-139 shall be repealed.
5. City Code of Ordinance Title VIII, Chapter 6, Section 8-140 shall be repealed.

Biloxi, MS

Sec. 13-1-17. - Same—License required to peddle or solicit business; issuance of license.¹⁴

- (a) Any and all peddlers or solicitors shall apply for and be in receipt of a license before engaging in any activity in the city.
- (b) Application for a license shall be made in writing to the office of the community development department.
- (c) The community development director shall have ten working days from the date of the application to approve or deny the issuance of a license. There shall automatically be a ten-day waiting period before applicants will be allowed to peddle or solicit within the city, in order that the department of public safety may conduct an investigation into the character and background of the applicant. The community development director shall furnish a copy of the license to the director of the city police department.
- (d) No license shall be issued to any person or any employee or agent thereof who has been convicted of a previous violation of sections [13-1-16](#) through [13-1-20](#), or who has had his or her

¹⁴ https://library.municode.com/ms/biloxi/codes/code_of_ordinances?nodeId=COOR_CH13OFMIPR_ARTIINGE_S13-1-16PAPESOEFEFEX

penal bond, as provided for in subsection [13-1-18\(c\)](#) forfeited either voluntarily or through appropriate legal proceedings.

(e) No solicitation will be allowed by conducting "highway holdup" activities within the city, except when an applicant has applied for an exception to this provision, to be granted by the city council only after a hearing in which the applicant shows that a general public interest would be served by such solicitation. For purposes of this section, a "highway holdup" activity is defined as solicitation conducted for any purpose along any street, avenue, boulevard, road, alley, lane, viaduct or other public thoroughfare in the city.

(f) Only those persons who are citizens of the state or who are agents of foreign corporations domiciled in the state, or who are agents of foreign corporations qualified to do business in the state shall be allowed to peddle or solicit in residential areas.

(g) In order to protect the local citizenry against crime and preserve the private property, peace and comfort of the citizens from those persons who are not known or who are not easily identifiable or traceable, the community development director may deny the issuance of a license upon the determination that the activity would endanger the public health, welfare and safety. (Code 1959, § 12-25.1; Ord. No. [2349](#), § 2, 11-7-17; Ord. No. [2396](#), § 2, 7-23-19)

Tupelo, MS

Sec. 15-86. - Permit—Required.¹⁵

It shall be unlawful for any person or group of persons to undertake solicitation of funds for charitable, religious or other similar causes within the city without complying with the provisions of this article and obtaining a permit.

Sec. 15-153. - License—Required.

In advance of any peddling, solicitations, or otherwise conducting business, transient vendor shall apply for and obtain the necessary license as provided herein from the tax department of the city. Prior to the issuance of such license to so solicit, peddle, or otherwise conduct business, the applicant therefor shall produce or offer other evidence of prior compliance with all laws of the state, and the United States of America, including, but not limited to, sanitary and health regulations, inspections, permits, applicable fees, and privilege licenses and shall certify to the city that, in the business of a transient vendor he will comply with such laws and regulations and that in his business he will not commit any fraud, sell any goods, wares or merchandise by any false or other weights or measures, or sell any such articles as being composed or manufactured in whole or in part of materials or ingredients other than those of which articles are actually composed or manufactured.

¹⁵

https://library.municode.com/ms/tupelo/codes/code_of_ordinances?nodeId=COOR_CH4AI_ARTIIIIRURE_DIV3_PUCO_S4-82SO

Horn Lake, MS

Sec. 32-7. - Behavior and regulations. ¹⁶

(d)*Vending, peddling, and advertising.* No person:

(1) In a park or on city property shall expose or offer for sale any article or thing, nor shall he/she station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is herein made as to any regularly licensed concessionaire or others, acting by and under authority and regulation of the director.

(2) Shall paste, glue, tack, or otherwise post any sign, placard, advertisement, or inscription whatsoever in a park or on city property, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roadways adjacent to a park, except when prior authorization in writing is given by the director on park properties or by the mayor and board of aldermen for all other city property.

(3) In a park shall announce, advertise, or call the public attention in any way to any article, or service for sale or hire, except when prior authorization, is given in writing, by the director.

(e)*Fires and grills in park areas.* No unauthorized person in a park or on city property shall build or attempt to build a fire, start a grill (gas or charcoal) except in such areas and under such regulations as may be authorized by the director on park properties. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper, charcoal briquette ashes, or other inflammable material, within any park or on city property.

(h)*Other prohibited acts.*

(1) *Games of chance.* No person in a park or on city property shall gamble or participate in or abet any game of chance, except for raffles with written permission from the director.

(2) *Going onto ice.* No person in a park or on city property shall go onto the ice on any of the waters.

(3) *Loitering and boisterousness.* No person in a park or other city property shall engage in loud, boisterous, threatening, abusive, insulting, or indecent language, or engage in any disorderly conduct or behavior tending to threaten a breach of the public peace.

(4) *Entering waters.* No person in a park or on city property shall, unless specifically authorized by the director to do so as part of maintenance or construction function, enter the waters of any fountain, pond, lake, stream or other body of water (whether natural or artificial, temporary or permanent), except for designated swimming or wading pools and must be in accordance with

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https://library.municode.com/ms/horn_lake/codes/code_of_ordinances?nodeId=COOR_CH32STSIOTPUPL_ARTII_NGE_S32-7BERE

the specific operating regulations thereof relating to the hours of operation, the conduct, dress, etc., of that facility.

(5) *Enticing another to commit offense.* No person shall knowingly entice or induce another person to violate any of the provisions of this article.

(6) *Disobey signs or notices.* No person shall disobey any sign giving notice of any rule or regulation or any specified safety equipment to be worn during any specific activity in any park.

Clinton, MS

Sec. 62-6. - Solicitations from streets. ¹⁷

- (a) No person shall stand in a street or any portion thereof for the purpose of soliciting a ride, employment, business or contributions of any kind for any purpose from the occupant of any vehicle.(b)Any person convicted of a violation of this section shall be guilty of a misdemeanor punishable as provided in section 1-13.

¹⁷

https://library.municode.com/ms/clinton/codes/code_of_ordinances?nodeId=COOR_CH62OFMIPR_ARTIINGE_S62-6SOST

Columbus, MS

Sec. 22-37. - Permission of mayor and chief of police. ¹⁸

A person or persons desiring to undertake solicitation of funds shall contact the office of the chief of police and the mayor's office and shall establish his or her identity and his or her authority to act for the cause which the individual purports to represent. When the office of the chief of police and the mayor's office are satisfied as to the identity of the party or parties and are satisfied that he, she or they have proper authority to represent the cause claimed and to solicit funds therefor and that such cause is valid and not fraudulent, permission shall be given to make such solicitation subject to the provisions of this article.

Sec. 22-38. - Restrictions on hours, number of campaigns during year, number of solicitors, number of calls; exceptions.

(a)Solicitation for funds shall be made between the hours of 10:00 a.m. and 4:00 p.m.(b)Not more than one solicitation campaign shall be made within the city for a specific cause during any 12-month period.(c)Solicitations may not be made enmasse or by large groups. No more than two solicitors shall visit a home or place of business and not more than two solicitors may make solicitations on the sidewalks or in the pedestrian portions of a mall or shopping center, and such solicitations must be made in such a way that they do not impede the proper movement of pedestrian traffic on the sidewalks or in the malls or shopping centers of the city.(d)The chief of police and the mayor are authorized to waive the provisions with reference to solicitations on the sidewalks and in the pedestrian areas of the malls and shopping centers in connection with the solicitations conducted during holiday seasons provided with such waiver the peace, good order and comfort of the city may still be properly safeguarded.(e)Persons engaged in solicitation efforts shall not make repeated calls on the same businesses or homes and shall not make solicitations in malls or shopping centers or on sidewalks for more than two days during a solicitation campaign.

Sec. 22-39. - Violation; penalty.

The violation of the terms of this article shall constitute a misdemeanor, punishable as such.

¹⁸ https://library.municode.com/ms/columbus/codes/code_of_ordinances?nodeId=COOR_CH22PESOTRPU

Pascagoula, MS

Sec. 54-91. - Begging.¹⁹

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.

Ask, request, beg or solicit means and includes, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(b) *Prohibited acts.* It shall be unlawful for any person to solicit money or other things of value:

- (1) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
- (2) Within 15 feet of the entrance to or exit from any public toilet facility;
- (3) Within 15 feet of an automatic teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
- (4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
- (5) In any public transportation vehicle, or in any bus or subway station, or within 15 feet of any bus stop;
- (6) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;

¹⁹

https://library.municode.com/ms/pascagoula/codes/code_of_ordinances?nodeId=COOR_CH54OFMIPR_ARTIVOF_INPUPEOR_DIV1GE_S54-91BE

(7) From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any residence, business, or athletic facility;

(8) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business, or athletic facility;

(9) By accosting another; or

(10) By forcing oneself upon the company of another.

Sec. 54-92. - [Public indecency.]

(a)

For purposes of this section, the term "public indecency" shall mean any one of the following acts willfully performed by any person in a place where a person should reasonably expect to be in view of the public:

(1) An act or simulated act of sexual intercourse or masturbation;

(2) Exposure of one's genitalia;

(3) Lewdly appearing in a state of partial or complete nudity;

(4) Lewdly caressing or indecently fondling one's body or the body of another person;

(5) Lewdly caressing or indecently fondling the sexual organs of any person including one's self; or

(6) Urinating or defecating.

(b) Public indecency is hereby prohibited.

Brandon, MS

Sec. 54-76. - Distributing or receiving items within public roadway prohibited.²⁰

No person shall stand in or enter upon the boundary of a public roadway for the purposes of distributing items to the occupant or occupants of any vehicle stopped on a public roadway in obedience to a traffic control signal or receiving items from those occupants. "Items" include all tangible objects and things.

Oxford, MS

Sec. 82-3. - Privilege taxes, permit, bond required.²¹

²⁰ https://library.municode.com/ms/brandon/codes/code_of_ordinances?nodeId=COOR_CH54PESO

²¹ https://library.municode.com/ms/oxford/codes/code_of_ordinances?nodeId=COOR_CH82PE_S82-3PRTAPEBORE

Peddlers shall pay all privilege taxes required by state law obtain a permit in the manner hereinafter provided and furnish a good and sufficient penal bond in the amount of \$2,000.00, conditioned that if said peddlers shall comply with the provisions of this chapter and other chapters relating to them, said obligation shall be void, otherwise to remain in full force and effect.

Gautier, MS

ARTICLE V. - SOLICITORS, PEDDLERS, HAWKERS, ITINERANT MERCHANTS AND TRANSIENT VENDORS²²

Sec. 12-51. - Application for license.

That all solicitors, peddlers, hawkers, itinerant merchants and transient vendors, of merchandise or services, desiring to operate within the City of Gautier by going door to door in residential zoned districts and construction job site to job site, shall first make application for license with the city clerk's office. A copy of the application shall be sent to the police chief who shall cause the application to be investigated. The police chief shall within seven (7) working days return the application to the city clerk's office with a recommendation for approval or disapproval together with a statement of the reason for said recommendation. Upon approval of the application the city clerk's office shall execute a license for, and deliver to the applicant his license upon payment of all prescribed privilege license fees.

Sec. 12-52. - License fee; license term; license to be carried at all times.

Each applicant shall submit a license fee of two hundred fifty dollars (\$250.00). The applicant shall also execute a cash bond or a surety bond issued by a corporate surety authorized to do business in Mississippi, in an amount of two-thousand dollars (2,000.00) for the merchandise or service to be offered for sale by the applicant.

That all licenses issued under this article shall be valid for a period of one (1) year from the date of issuance and shall be nontransferable. Privilege licenses issued under this article shall be carried upon the person of the vendor at all times and shall be presented upon request for inspection.

Sec. 12-53. - Violation and penalty.

(a) That the practice of going in and upon private residences in the City of Gautier, Mississippi, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been properly licensed in accordance with this article, is declared to be a misdemeanor and shall be punishable as such. (b) That any person violating the provisions of this article shall upon conviction thereof be fined not in excess of one hundred dollars (\$100.00), or imprisoned no more than thirty (30) days, or both fined not in excess of one hundred dollars (\$100.00) and imprisoned not in excess of thirty (30) days in the discretion of the court.

Sec. 12-54. - Exemptions.

²² https://library.municode.com/ms/gautier/codes/code_of_ordinances?nodeId=CO_CH12LIBURE

The following activities are exempted from the licensing provisions of this article.

(1) Civic and non-profit organizations provide said organizations first show evidence of such civic nature and obtain a temporary permit from the city clerk's office. (2) Sales of goods, wares, services or merchandise by sample, catalogue or brochure for future delivery.

Clarksdale, MS

Sec. 14-7. - Begging, soliciting; exception; penalty.²³

(a) *Prohibited.* It shall be unlawful for any person to solicit alms for himself within the city. This section shall also apply to the vending and sale of shoe strings, pencils and other merchandise commonly sold by beggars.

(b) *Soliciting for out-of-state benevolent organizations.* It shall be unlawful to solicit on the streets, sidewalks, alleys and ways, or from house to house in the city, for philanthropic or benevolent purposes for institutions located outside of the State of Mississippi.

(c) *Local organizations.* It shall be lawful only for local organizations and charities to solicit funds for their several organizations. However, if any person shall make application to any local organization for permission to seek alms and the said charitable organization, after a thorough investigation reports and recommends to the board of mayor and commissioners the issuance of a permit, then the mayor may in his discretion grant a permit to such person to solicit alms or have someone solicit alms for him, or may permit him to sell articles on the street.

²³

https://library.municode.com/ms/clarksdale/codes/code_of_ordinances?nodeId=PTIICOOR_CH14OFMIPR_ARTII_NGE_S14-7BESOEXPE

Tennessee

2021 Tennessee Code, Title 39 - Criminal Offenses, Chapter 14 - Offenses Against Property
Part 4 - Burglary and Related Offenses²⁴

§ 39-14-414. Equal Access to Public Property Act of 2012 — Protection of State Property
Universal Citation: [TN Code § 39-14-414 \(2021\)](#)

- a. This section shall be known and may be cited as the “Equal Access to Public Property Act of 2012.”
- b. As used in this section, “camping” means:
 1. Any of the following at any time between ten o'clock p.m. (10:00 p.m.) and seven o'clock a.m. (7:00 a.m.):
 - A. Erecting, placing, maintaining, leaving, allowing to remain, or using a piece of furniture, tent, raised tarp, or other temporary shelter, structure, or furniture;
 - B. Placing or storing personal belongings for future use, including storing food for consumption; or
 - C. Carrying on cooking activities, whether by fire or use of artificial means, such as a propane stove or other heat-producing portable cooking equipment;
 2. Sleeping or making preparations to sleep, including laying down a sleeping bag, blanket, or other material used for bedding;
 3. Making a fire or preparing to make a fire; or
 4. Doing any digging or earth breaking.
- c. An area of state-owned land may be designated as a camping area by the department, agency, official or officials responsible for the operation, protection or maintenance of the property in question. The area's designation as a camping area may be accomplished by means of signage, advertisement or other notice designed to make known its availability for the activity of camping.
- d.
 1. It is an offense for a person to engage in camping on property owned by the state knowing that the area on which the camping occurs is not specifically designated for use as a camping area by the department or agency responsible for the land.
 2. The department, agency, official, or officials responsible for the operation, protection, or maintenance of the property may designate an area as a camping area by means of signage, advertisement, or other notice designed to make known its availability for camping. However, a person shall not be guilty of a violation of subdivision (d)(1) unless the person was notified by an official responsible for the protection of the property in question that camping is prohibited and continued to engage in camping or returned within twenty-four (24) hours of the warning and continued to engage in camping.
 3. A person is not guilty of a violation of subdivision (d)(1) if the person was given permission or authorization by the department, agency, or official responsible for

²⁴ <https://codes.findlaw.com/tn/title-40-criminal-procedure/tn-code-sect-40-35-111.html>

the operation, protection, or maintenance of the property to engage in camping on the property.

4. Any items used to commit a violation of this section, including items abandoned at the location of the offense, are subject to confiscation, seizure, and claiming in accordance with subsection (e).
- e. Any property subject to confiscation or seizure under subsection (d), unclaimed in connection with a violation of subsection (d), or left unattended after arrest or issuance of a citation for camping in violation of subsection (d), and taken into state custody shall be held by the state agency or its agent in a secure location for a period of ninety (90) days. Notice containing the contact information of the state agency or agent holding the property must be posted at the nearest reasonable location to the place from which the property was removed. If the property is not claimed within ninety (90) days of being taken into custody, the property is deemed abandoned and the agency or agent may dispose of the property, unless the property is needed for evidence in a criminal proceeding. If a person claiming any such property within ninety (90) days of the property being taken into custody produces identification and signs a release form providing the person's name and contact information and swearing under oath that the property belongs to the person, the state agency or agent shall return the property to the person, unless the property is needed for evidence in a criminal proceeding, in which case the property shall be returned following the conclusion of that proceeding. The state agency or agent may charge such persons a reasonable storage fee for storing the property. The state and its employees, agents, and contractors are immune from liability for property confiscated in compliance with this subsection (e).
- f. A violation of this section is a Class E felony. In any sentence imposed for a violation of this section, the court shall include an order of restitution for any property damage or loss incurred as a result of the offense.
- g. Nothing in this section shall be construed as preempting or preventing a state department or agency with responsibility for state property from enacting or enforcing other lawful and reasonable rules, regulations, or statutes that concern the use of and access to state property. However, if any such rule, regulation or statute is in conflict with this section, it is the intent that this section shall prevail and the prohibition against camping on state property in areas not designated as camping areas be a uniform one.

Alabama

Fines and fees: Ala. Code Section 12-14-13.²⁵

(a) Municipal courts may suspend execution of sentence and place a defendant on probation for varying periods of time, not to exceed two years.

(b) The court may require such investigations as may be deemed necessary and desirable to be made by a probation officer or such other suitable person or persons as the court may designate as to the circumstances of the offense and the criminal record, social history and present condition of the defendant.

(c) The court may suspend the execution of sentence and continue the defendant under an existing bond or may require such additional bail as it deems necessary pending the disposition of the application for probation.

(d) The court shall determine and may, at any time, modify the conditions of probation and may require the probationer to comply with the following or any other conditions:

(1) To avoid injurious or vicious habits;

(2) To avoid persons or places of disreputable or harmful character;

(3) To report to the probation officer or other person designated by the judge;

(4) To permit the officer to visit him at his home or elsewhere;

(5) To work faithfully at suitable employment as far as possible;

(6) To remain within a specified area;

(7) To pay the fine and costs imposed or such portions thereof as the judge may determine and in such installments as the judge may direct;

(8) To make reparation or restitution to any aggrieved party for the damage or loss caused by his offense in an amount to be determined by the court; and

(9) To attend defensive driving schools, alcohol countermeasure programs or courses where available and support his dependents to the best of his ability.

(e) The probation or other officer designated by the court shall investigate all cases when directed to do so by the court and report in writing thereon if the court so directs. The officer, if so designated, shall furnish to each probationer released on probation under his supervision a written statement of the conditions of probation and shall instruct the probationer regarding the same. Such officer shall keep informed concerning the conduct and conditions of each person on probation under his supervision by visiting the probationer and requiring reports from the probationer or others and shall report thereon in writing as often as the court may require. Such officer shall use all practicable and suitable methods, not inconsistent with the conditions imposed by the court, to aid and encourage persons on probation and to bring about improvement in their conduct and condition. Such officer shall keep detailed records of his work and shall make such reports in writing as the court may require. The officer so designated shall have, in the execution of his duties, the power to arrest probationers and the same right to execute process as is given by law to peace officers.

²⁵ <https://casetext.com/statute/code-of-alabama/title-12-courts/chapter-14-municipal-courts/article-1-general-provisions/section-12-14-13-probation>

(f) All reports, records and data assembled by any probation officer and referred to the court shall be privileged and shall not be available for public inspection except upon order of the court to which the same was referred. All probation reports completed and filed shall be subject to inspection by the defendant or his attorney.

(g) The period of probation or suspension of execution of sentence shall be determined by the court and may exceed the length of the sentence, and such period may be extended a period of two years from date of sentencing.

(h) Upon the satisfactory fulfillment of the conditions of probation or suspension of sentence, the court shall, by order duly entered on the minutes, discharge the defendant.

(i) At any time during the period of probation or suspension of execution of sentence, the court may issue a warrant and cause the defendant to be arrested for violating any of the conditions of probation or suspension of sentence. Any probation officer with probable cause to believe a probationer has violated the conditions of probation may arrest such probationer without a warrant. In case of an arrest without a warrant, the probation officer shall prepare a written statement setting forth that the probationer has, in his judgment, violated the conditions of probation, and said statement shall be sufficient warrant for having probationers brought forthwith before the court for determination as to probable cause for the charge of probation violation. The court may order detention of the probationer pending further hearing, after which the court may revoke the probation or suspension of sentence and order and adjudge that the sentence be immediately executed.

Valley, AL

Ala. Code § 22-27-5, 2009 Alabama Code²⁶

Title 22 — HEALTH, MENTAL HEALTH, AND ENVIRONMENTAL CONTROL.

Title 1 HEALTH AND ENVIRONMENTAL CONTROL GENERALLY.

Section 22-27-5 Authority of localities to establish charges, fees, etc., and enter into mutual agreements or contracts; approval of department; licensing of private or corporate agencies; permits and bonds; nonpayment of fees, etc.

Section 22-27-5

Authority of localities to establish charges, fees, etc., and enter into mutual agreements or contracts; approval of department; licensing of private or corporate agencies; permits and bonds; nonpayment of fees, etc.

(a) Fees, etc.; mutual agreements or contracts. The county commission or municipality undertaking the responsibility for providing services to the public under this article may establish fees, charges and rates and may collect and disburse funds within cooperating areas or districts, inside or outside the corporate limits of municipalities or inside or outside of county boundaries, for the specific purpose of administering this article and providing and operating a solid waste program. Also, said county commission or public authority may enter into mutual agreements or contracts with the government bodies of other counties, municipalities, corporations or individuals, where deemed to be mutually economical and feasible, to jointly or individually collect, haul and/or dispose of solid wastes generated within the cooperating area. All contracts or mutual agreements under this article shall be subject to review by the health officer, and all such contracts and agreements shall be subject to cancellation upon 30 days' notice from said health officer with the concurrence of the department, any time said contracts or agreements fail to be in the best interest of the health, safety and welfare of the citizens residing in the affected area.

(b) Private or corporate agencies. Individuals, corporations, partnerships or other agencies engaging in the collection and disposal of solid wastes are subject to this article. Governing bodies may assign territories, approve or disapprove disposal sites, with the concurrence of the health department, and shall establish and collect annual license fees from such firms and set rate schedules if a service fee is charged. In addition to any other approvals which are necessary for any contract between private or corporate agencies and governmental entities for the disposal of solid wastes, approval of the department shall be obtained.

(c) Permits and bonds. Under subsection (b) of this section, no license shall be granted or fee collected without a permit issued by the state or county health department, renewable annually at the time licenses are due. Such permit shall be based upon performance and may be revoked for cause, including failure to perform under the provisions of this article and regulations adopted under authority of this article. No license shall be granted without the posting of a performance bond satisfactory to the governing body. All solid waste disposal sites except those which have certificates of exception shall have a permit from the department.

²⁶ <https://law.justia.com/codes/alabama/2009/Title22/Title1/22-27-5.html>

(d) Financial assurance. No permit for transportation of garbage by out-of-state transporters, for disposal of such garbage in a sanitary landfill in this state, shall be issued unless financial assurance is posted by such transporter with the health department.

The financial assurance shall be in an amount not less than \$250,000 and must guarantee that such garbage does not contain any regulated hazardous waste, infectious waste, or explosive materials or debris. The financial assurance shall be provided in accordance with acceptable financial assurance instruments which include but are not limited to an escrow account, performance bond, or letter of credit. The health department shall promulgate regulations specifying the terms and conditions of financial assurance instruments, as appropriate.

(e) Nonpayment of fees, etc. Any county commission or municipality establishing fees, charges and rates pursuant to subsection (a) of this section shall have the power and authority to adopt resolutions or ordinances providing that if the fees, charges or rates for the services furnished by the county commission or municipality, or licensee of either, under the provisions of said chapter, shall not be paid within 30 days after the same shall become due and payable, such county commission or municipality may, at the expiration of such 30-day period, suspend such services or may proceed to recover the amount of any such delinquency with interest in a civil action, or both.

(Acts 1969, No. 771, p. 1373, §5; Acts 1971, No. 2247, p. 3604, §2; Acts 1979, No. 79-668, p. 1176; Acts 1982, No. 82-612, p. 1111, §§11(f), 14(a)(7); Acts 1988, No. 88-655, p. 1052; Acts 1988, 1st Ex. Sess., No. 88-858, p. 346.)