

No. 23-175

In The
Supreme Court of the United States

CITY OF GRANTS PASS, OREGON,

Petitioner,

v.

GLORIA JOHNSON AND JOHN LOGAN, on Behalf
of Themselves and All Others Similarly Situated,

Respondents.

**On Writ Of Certiorari To The United States
Court Of Appeals For The Ninth Circuit**

**BRIEF OF AMICI CURIAE NATIONAL WOMEN'S
SHELTER NETWORK, INC. AND NATIONAL
ORGANIZATION FOR WOMEN FOUNDATION
IN SUPPORT OF RESPONDENTS**

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INTEREST OF *AMICI CURIAE*¹

Amici curiae are the National Women's Shelter Network, Inc. and National Organization for Women Foundation. *Amici* have substantial experience in advocating for the rights of women and children and seek to ensure that women and children facing homelessness, and the unique challenges they face, are not forgotten.

The National Women's Shelter Network, Inc. (NWSN) is a nonprofit organization dedicated to advancing the status of women and children experiencing or at risk of homelessness and the shelters and safe haven programs that serve them to end and prevent homelessness. The NWSN does so by elevating the voices of those they serve, raising awareness of the intersections of gender-based violence and homelessness, sharing information, education, and resources to advance trauma-informed best practices, researching gaps, needs, challenges, innovation and effective solutions, developing informed social and public policies, raising public awareness, and advancing meaningful solutions to help women, children and families reclaim their lives and build the foundation for safer, brighter futures. The NWSN network includes over 200 women's and family shelters and safe haven programs in communities large and small across the country, sheltering thousands of women and children

¹ This brief was not authored in whole or in part by counsel for any party. No person or entity, other than the *amici curiae* and their counsel contributed money intended to fund preparing or submitting this brief.

nightly. Due to lack of shelter capacity and resources, many women and children are turned away each night, making this *amicus* brief all the more important to the NWSN. They are a voice for countless women struggling to survive by being invisible and the last and final safety net in this country for the most vulnerable.

The National Organization for Women (NOW) Foundation focuses on a broad range of women's rights issues, including economic justice, pay equity, sex and race discrimination, domestic violence and sexual assault against women and LGBTQIA+ persons, reproductive rights and justice, women's health and body image, marriage and family formation rights, representation of women in the media, and global feminist issues. In addition, the Foundation advocates for the Equal Rights Amendment's inclusion in the U.S. Constitution. The well-being of survivors of domestic and sexual violence has long been a concern of NOW Foundation. NOW Foundation is affiliated with the National Organization for Women, the largest and oldest feminist activist organization with hundreds of local and state chapters across the U.S. and hundreds of thousands of members and supporters.



INTRODUCTION AND SUMMARY OF THE ARGUMENT

There are many misconceptions about homelessness in the United States, including stereotypes that ignore the true multifaceted nature of the homelessness

crisis in this country. Make no mistake—people of all genders, ethnicities, and backgrounds can, and do, experience homelessness. And just as these different populations have differing experiences and needs among the general public, these populations have unique experiences and needs when facing homelessness.

Women and children, in particular, who experience homelessness face additional challenges and are particularly vulnerable to being victimized by domestic and gender-based violence, workplace discrimination, and human trafficking. Being “visibly” homeless puts their survival at stake, so these populations survive by being invisible. The ordinance in the City of Grants Pass (the “Ordinance”) serves to further oppress this already vulnerable part of the population and compounds the cycles of abuse and neglect that lead these populations to experience homelessness in the first place.

◆

ARGUMENT

I. Homelessness is a growing crisis.

Homelessness is a national crisis. The Department of Housing and Urban Development (HUD) estimates that approximately 653,100 people in the United States are experiencing homelessness on any given night.² This is the highest recorded number of people

² U.S. Dep’t of Hous. & Urb. Dev., *The 2023 Annual Homelessness Assessment Report (AHAR) to Congress 2* (Dec. 2023), <https://perma.cc/CRU4-TQ6N> (noting that approximately six in

experiencing homelessness on any given night since HUD first began recording this data in 2007³ and reflects a 12% increase in the number of people experiencing homelessness in the last year alone.⁴

As shocking as HUD’s estimates may be—and as concerning as the continued rise in homelessness is for our nation—these numbers fail to capture the true depth of America’s homelessness crisis,⁵ and the true homeless population at any given time is drastically undercounted. Numerous flaws in HUD’s methodology are to blame. Most significantly, HUD’s annual Point-in-Time (PIT) count, which purports to calculate the homeless population, relies on an estimate of sheltered and unsheltered people based only on a

ten people experience sheltered homelessness, while the remaining four in ten experience unsheltered homelessness) [hereinafter 2023 HUD Report].

³ *Id.*

⁴ *Id.*

⁵ Nat’l Law Ctr. on Homelessness & Poverty, *Don’t Count on It: How the HUD Point-In-Time Count Underestimates the Homelessness Crisis in America* 6 (2017), <https://perma.cc/8MLN-G7QQ>; *HUD’s Inaccurate Count Affects Funding for Homeless Families and Our Youth*, Sols. for Change (Mar. 13, 2018), <https://perma.cc/MG74-C9BF>; *The Pitfalls of HUD’s Point-in-Time Count for Children, Youth, and Families*, SchoolHouse Connection (Dec. 19, 2023), <https://perma.cc/V987-Z27G>; Maria Foscarinis, *Homeless Problem Bigger than Our Leaders Think, USA Today*, Jan. 16, 2014, <https://perma.cc/954D-HDS2>; Patrick Markee, *Undercounting the Homeless 2010*, Coalition for the Homeless (Jan. 24, 2010), <https://perma.cc/896N-7JMW>; Daniel Flaming & Patrick Burns, *Who Counts? Assessing Accuracy of the Homeless Count*, Economic Roundtable (Nov. 20, 2017), <https://perma.cc/VR49-XQ55>.

count conducted one night per year.⁶ Compounding inaccuracies of the PIT count, each participating jurisdiction exercises discretion when adopting HUD guidelines, as those jurisdictions are responsible for implementing their own counting procedures and training their volunteers.⁷ Because each jurisdiction typically trains volunteers performing the street count to identify anyone that is “visibly” homeless on the night of the PIT count, many individuals experiencing homelessness remain uncounted.⁸ The reality is that individuals “visibly” experiencing homelessness are only a fraction of the true unsheltered homeless population, and the PIT count entirely ignores a significant population of people experiencing homelessness that are surviving by remaining hidden.

The HUD guidelines for administering the PIT count also change every year, which creates inconsistencies in counting over periods of time.⁹ Due to the PIT count’s failings, it is impossible to know the full depth of the homelessness crisis in America, and it is very

⁶ 2023 HUD Report, *supra* note 2, at 6.

⁷ Nat’l Law Ctr. on Homelessness & Poverty, *supra* note 5, at 6. The counts are typically conducted by volunteers, advocates, or members of law enforcement over a single night after just an hour of training. *Id.* at 8. The volunteers are usually instructed to visit pre-determined areas to count the unsheltered population that night. *Id.* at 11.

⁸ *Id.* (“This counting approach relies on homeless individuals residing in visual locations . . . one study in New York found that 31% of the interviewed homeless people who slept outside on the night of the PIT count were in places classified as ‘Not-Visible.’”).

⁹ *Id.* at 6.

likely that the number of individuals experiencing homelessness in America vastly exceeds the population estimated by HUD.¹⁰ In fact, other methods of counting homelessness have estimated that the homeless population is between 2.5 to 10.2 times greater than what the PIT count reflects—meaning the number of individuals experiencing homelessness in 2023 may have been as high as 1.6 to 6.5 million.¹¹

A. Homelessness Among Women and Children Has Grown Rapidly.

The overall numbers are very concerning. But specific increases in homelessness among certain populations that are already uniquely vulnerable, such as women and children, are especially alarming. Over the last 40 years, homelessness among women and children has seen a consistent, rapid increase. In fact, women and children were among the fastest growing segments of the homeless population during the 1980s and 1990s,¹² and this trend continued well into the

¹⁰ *See id.* at 6–7.

¹¹ *Id.* at 6.

¹² Jean Calterone Williams, *“A Roof Over My Head”: Homeless Women and the Shelter Industry* 1 (2d ed. 2016) (stating that women and children comprise a “surprising” subset of the “new” homeless).

2000s.¹³ Today, women account for 30% of the homeless population and children account for 17%.¹⁴

Women experiencing homelessness face unique risks, including harassment, sexual assault, robbery, and physical abuse.¹⁵ In the face of these risks, women experiencing homelessness do the only thing they can to survive: they hide. A woman experiencing homelessness who is alone might wish to hide under a bridge, behind a dumpster, or down dark alleys to avoid being victimized by someone who sees her being alone as an

¹³ Although the U.S. saw a slight decrease in families experiencing homelessness starting in 2012, this decrease was short lived, as the number of people in families with children who were experiencing homelessness rose a staggering 16% between 2022 and 2023. 2023 HUD Report, *supra* note 2, at 2; *see also* Am. Coll. of Obstetricians & Gynecologists, Comm. on Health Care for Underserved Women, *Health Care for Homeless Women* 1 (Comm. Op. No. 576, Oct. 2013), <https://perma.cc/XY55-LZPV> (“Women and families are the fastest growing segment of the homeless population, with 34% of the total homeless population composed of families 3. Of these homeless families, 84% are headed by women.”).

¹⁴ 2023 HUD Report, *supra* note 2, at 14, 28. Moreover, the rise in homelessness among these populations disparately impacts people of color, as families experiencing homelessness and unaccompanied youth experiencing homelessness are more likely to identify as people of color than the general population of individuals experiencing homelessness. *See id.* at 41 & 55. Additionally, women of color are more likely to experience poverty and Black women are twice as likely to have evictions filed against them than white people. Human Rights Clinic, Univ. Miami Sch. of Law, *Women’s Homelessness in the United States* (July 2021), <https://perma.cc/QCY4-293Q>.

¹⁵ Lisa A. Goodman et al., *No Safe Place: Sexual Assault in the Lives of Homeless Women* (Sept. 2006), <https://perma.cc/Z2K9-2639>.

opportunity. A mother experiencing homelessness with children might wish to ride evening buses to avoid detection or seek shelter in an abandoned car to avoid being victimized and to protect her children. She might also avoid shelters to prevent separation from her children, as shelters are more likely to turn away larger families or male children past a certain age.¹⁶

Women and children are therefore particularly vulnerable to being overlooked by the PIT count because, as discussed above, the PIT count includes only people who are in shelters and those who are visibly identified during the in-person street counts.¹⁷ This means there is an entire subset of families and youth experiencing homelessness that is not represented in HUD's estimates. For instance, according to sources that do not derive their estimates from HUD data, more than 1.2 million children were experiencing homelessness in the 2021–2022 school year, and 4% of that population were unsheltered, while 11% were staying in shelters.¹⁸ The remaining 84% were staying in

¹⁶ Debra J. Rog et al., U.S. Dep't of Health & Hum. Servs., *Characteristics and Dynamics of Homeless Families with Children 2–4* (Fall 2007), <https://perma.cc/76FG-JN5K>.

¹⁷ Nat'l Law Ctr. on Homelessness & Poverty, *supra* note 5, at 6.

¹⁸ Nat'l Ctr. for Homeless Educ., *Student Homelessness in America: School Years 2019-20 to 2021-22* 2, 8–9 (2023), https://nche.ed.gov/wp-content/uploads/2023/12/SY-21-22-EHCY-Data-Summary_FINAL.pdf.

motels or couch-hopping at friends' houses and were therefore not included in the PIT count.¹⁹

With these rising statistics in mind, the systemic factors that contribute to women's homelessness must be recognized and addressed at every level of policy formulation. The blunt instrument of punitive ordinances fails to account for the multiplicity of uncontrollable forces at play in the lives of women who end up homeless: from the economic pressures of rising housing costs²⁰ in concert with gender-based wage inequity,²¹ to the societal failings that leave survivors of gender-based violence without refuge.²²

¹⁹ *Id.* The PIT count includes a shelter count and a street count, but does not include individuals who are, for instance, homeless but staying on a friend's couch the night of the count or spending a night in a motel to escape the cold January temperatures. 2023 HUD Report, *supra* note 2, at 6.

²⁰ *E.g.*, Alex Horowitz et al., *How Housing Costs Drive Levels of Homelessness*, Pew Charitable Trs. (Aug. 22, 2023), <https://perma.cc/F4A9-QE6C>.

²¹ *E.g.*, Colo. Coalition for the Homeless, *Issue Brief 2022: Women and Homelessness* 1 (2022), <https://perma.cc/7FFY-CRYJ>; Thomas H. Byrne et al., *A Rising Tide Drowns Unstable Boots: How Inequality Creates Homelessness*, 693 ANNALS Am. Acad. of Pol. & Soc. Sci. 1 (2021), <https://open.bu.edu/ds2/stream/?#/documents/424829/page/1> (showing statistical results “suggesting that income inequality is a significant driver of community homelessness[,] that the ‘income channel’ is the more likely mechanism through which homelessness is created” and arguing that “broader policy efforts to reduce income inequality are likely to have the collateral effect of reducing homelessness”).

²² *See infra* Section III.

While rising housing costs have been driving homelessness across the board,²³ women are competing in the same housing market but at an economic disadvantage: in 2021, the median earnings of women were just 83.1% of men's earnings, a gap that persists even after accounting for differences in job choice, hours worked, and education.²⁴ Gender bias and discrimination are considered by researchers to be key contributing factors to this significant wage gap.²⁵ Intriguingly, as women acquire higher education, instead of shrinking, the wage gap with men enlarges.²⁶

Beyond this gender-based wage inequity, women—especially those of color—experience higher poverty and eviction rates than men. In 2017, among Americans aged 18 to 64, 13% of women were living below the federal poverty line, while this was the case for only 9% of men.²⁷ In the 65 and older age group, 11% of women versus 8% of men were impoverished.²⁸ As to eviction rates, one study which drew upon millions of court records of eviction cases filed between 2012 and 2016 across 39 states found that across 1,195 U.S. counties, women were evicted 15.9% more than male

²³ Horowitz et al., *supra* note 20.

²⁴ Colo. Coalition for the Homeless, *supra* note 21, at 1.

²⁵ *Id.*; Kevin Miller et al., Am. Ass'n of Univ. Women, *The Simple Truth About the Gender Pay Gap* 17 (Fall 2018 ed.), <https://perma.cc/XM4V-2RKZ>.

²⁶ Miller et al., *supra* note 25, at 12.

²⁷ *Id.* at 5.

²⁸ *Id.*

renters—a disparity that was even higher for Black and Latinx females.²⁹

B. The Number of Unaccompanied Children Who Are Experiencing Homelessness Is Growing.

Unaccompanied youth experiencing homelessness are also a vulnerable population. Their plight often goes unnoticed, and their struggles unheard. They are caught in a web of circumstances where choice is a luxury they do not possess. Congress has defined unaccompanied homeless youth (UHY) as youth who are not in the physical custody of a parent or guardian and who meet the definition of homeless in the

²⁹ Peter Hepburn et al., *Racial and Gender Disparities Among Evicted Americans*, 7 Socio. Sci. 649, 655–57 (Dec. 2020), <https://perma.cc/ANC5-YSEX>.

McKinney-Vento Act.³⁰ Students who are UHY can be of any age or grade.³¹

An estimated 700,000 unaccompanied minors experience homelessness in the United States each year.³² Like with homelessness generally, this figure likely represents an undercount, not only because of shortcomings in the PIT count, but also because of the

³⁰ 42 U.S.C. § 11434a(2), (6). For the purposes of the McKinney-Vento Act, the term “homeless children and youths” means “individuals who lack a fixed, regular, and adequate nighttime residence” and includes:

- (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or similar reasons; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
- (ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings . . . ;
- (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- (iv) migratory children . . . who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

Id. at § 11434a(2).

³¹ See Nat’l Ctr. for Homeless Educ., *supra* note 18, at 10.

³² Nat’l Conference of State Legislators, *Report: Youth Homelessness Overview* (last updated Mar. 29, 2023), <https://perma.cc/F9DW-67PG>.

inconsistent definitions of homelessness and the challenges presented in finding and contacting youth experiencing homelessness.³³ Indeed, homelessness among youth is often less visible, as many are not in shelters and tend to shift between temporary accommodations with friends or acquaintances.³⁴

For UHY, their homeless condition is often the result of external factors and systemic failures wholly beyond their control. Worse, unaccompanied minors are in the weakest position to overcome any potential citations or other consequences that may arise from the criminalization of their involuntary homelessness. For example, as explained in greater detail in Section III, UHY are disproportionately affected by domestic and gender-based violence, and their homelessness is often the product of domestic and gender-based violence. But other key involuntary causes of homelessness among this population persist as well. We address only a select few.

1. Immigration

Young individuals migrate to the United States unaccompanied by parents or guardians due to various circumstances that they can hardly be blamed for. Many arrive in the U.S. as refugees fleeing widespread persecution, enduring neglect, abuse, or abandonment, torn from their families by conflict, disasters, or human

³³ *Id.*

³⁴ *Id.*

trafficking, while others come in pursuit of reunifying with relatives out of pressing need.³⁵

Unaccompanied Alien Children (UAC) is a term defined by federal statute as a child who has no lawful immigration status in the United States, has not attained 18 years of age, and either has no parent or legal guardian in the United States or no parent or legal guardian in the United States who is available to provide care and physical custody.³⁶ UAC who are apprehended by Department of Homeland Security (DHS) immigration officials are transferred to the care and custody of the Office of Refugee Resettlement (ORR), where they are either reunited with family members, placed in the care of sponsors, or placed in foster care.³⁷ However, many UAC remain undetected and homeless, and even those who are placed with a caretaker through ORR can experience circumstances thereafter that lead them back into homelessness. Not every UAC secures a permanent safe-haven in ORR-funded facilities, exemplified by the concerning 1,069 reported incidents of sexual misconduct in 2017.³⁸ This

³⁵ Nat'l Ctr. for Homeless Educ., *Supporting the Education of Immigrant Students Experiencing Homelessness, Best Practices in Homeless Education Brief Series 2* (2017), https://nche.ed.gov/wp-content/uploads/2018/10/imm_lia.pdf.

³⁶ 6 U.S.C. § 279(g)(2).

³⁷ Nat'l Ctr. for Homeless Educ., *supra* note 35, at 2.

³⁸ Admin. for Children & Families, U.S. Dep't of Health & Hum. Servs., *Report on Sexual Abuse and Sexual Harassment Involving Unaccompanied Alien Children: 2017* (Jan. 17, 2020), <https://perma.cc/HX54-H3QF>.

is but one illustration of the complex challenges UAC encounter in the pursuit of a safe and stable home.

2. Identity, Self-Expression, and Familial Conflicts

Children whose identity, sexuality, or self-expression are at odds with their guardian's beliefs are also susceptible to homelessness resulting from expulsion from their home. UHY who have been told or asked to leave the home by a household adult, or who are prevented from returning home by a household adult for at least one night when no adequate alternative care is arranged, have been referred to as “throwaways” by the U.S. Office of Juvenile Justice and Delinquency Prevention.³⁹

The possible reasons that lead adults to force children into homelessness are boundless, but the most prominent cases include familial conflicts that result from the adult's vehement disagreement with the youth's self-expression—whether through gender identity, sexuality, or religious beliefs. To be clear, regardless of what the child has done to warrant such a severe reaction from their guardian, forcing a child out of the home and into homelessness constitutes child

³⁹ Thresia B. Gambon et al., *Runway Youth: Caring for the Nation's Largest Segment of Missing Children*, 145 J. Am. Acad. Pediatrics 2, 2 (2020), <https://perma.cc/L5YR-FUFY>.

abandonment, abuse, or neglect and is never a justifiable response.⁴⁰

Of the UHY who are thrown out of their homes, more than a decade of data suggests that lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth are disproportionately represented.⁴¹ LGBTQ youth make up about 5%–8% of the total youth population in the United States, but they account for about 40% of the population of youth experiencing homelessness.⁴² Further, one 2012 study found that almost half (46%) of LGBTQ youth cited familial rejection over their sexual orientation or gender identity as the reason for their flight, while 43% were expelled by their parents on these grounds.⁴³ Since 2012, these statistics have steadily risen—particularly pertaining to transgender youth.⁴⁴ Additionally, the likelihood of homelessness for LGBTQ youth is 120% greater compared to their heterosexual and cisgender peers, emphasizing an escalating crisis and the disproportionate presence of

⁴⁰ See, e.g., Rafaela Rodrigues & Leslye E. Orloff, Nat'l Immigr. Women's Advoc. Project, *Appendix L: State Law Definitions of Abandonment* (Sept. 20, 2017), <https://perma.cc/278Z-C46E> (surveying and summarizing the various states' definitions of child abandonment).

⁴¹ Gambon et al., *supra* note 39, at 3.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Cameron K. Ormiston, *LGBTQ Youth Homelessness: Why We Need to Protect Our LGBTQ Youth*, 9 *LGBT Health* 217, 217 (2022), <https://www.liebertpub.com/doi/epdf/10.1089/lgbt.2021.0324>.

LGBTQ individuals among the youth experiencing homelessness.⁴⁵

Gender identity and sexuality are not the only sources of familial conflict that lead adults to force children and youth onto the streets: teen pregnancy has also been reported as a cause for youth to be expelled from their homes by parents or guardians who disapprove or are financially unable to care for the addition to the family.⁴⁶ Research reveals that 50% of female UHY have been pregnant—a number heavily disproportionate to their housed counterparts.⁴⁷ Most unaccompanied minors are sexually active, often engaging in “survival sex” (the exchange of sex for basic necessities), which increases their risk of pregnancy.⁴⁸ Youth experiencing homelessness, especially due to rampant sexual victimization and irregular contraception use, face a greater likelihood of pregnancy.⁴⁹ Accordingly, the cycle of homelessness can begin with pregnancy or parenting responsibilities for some youth, rather than pregnancy being a consequence of homelessness.

⁴⁵ *Id.*

⁴⁶ *E.g.*, Nat'l Network for Youth, *Issue Brief: The Intersection of Youth Homelessness and Pregnancy and Parenting* 4 (Mar. 2010), <https://perma.cc/T2QN-C8DT>.

⁴⁷ *Id.* at 4, 7.

⁴⁸ *Id.* at 4.

⁴⁹ *Id.*

3. Medical and Mental Health Issues

Factors leading to youth homelessness often encompass parental struggles with addiction, mental health issues and psychiatric disorders, and involvement in criminal activities.⁵⁰ Additionally, a history of substance abuse by parents is not just linked to the likelihood of their children becoming homeless but also to the risk of the youth themselves engaging in substance abuse.⁵¹

As these deep-seated issues within families contribute to youth homelessness, the lack of sufficient healthcare infrastructure compounds the crisis. Across America, parents, overwhelmed by their children's medical and psychiatric conditions, are sometimes driven to abandon their children as a result. This dire situation is starkly highlighted by instances in pediatric ERs where minors, stabilized but with nowhere to go, are abandoned due to their complex healthcare needs.⁵² Some children in these situations end up in juvenile detention after being discharged.⁵³ The escalation of this trend points to an urgent need for reinforced medical and mental health support systems—

⁵⁰ Dina M. Kulik et al., *Homeless Youth's Overwhelming Health Burden: A Review of the Literature*, 16 Paediatrics and Child Health e43, e44 (2011), <https://perma.cc/UU2P-CW9P>.

⁵¹ *Id.*

⁵² *E.g.*, Hannah Furfaro, *Abandoned in the ER: When Kids Are Left at Hospitals, the State Is No Longer Taking Charge of Their Care*, Seattle Times, Feb. 21, 2022, <https://perma.cc/TW8P-8ZJ3>.

⁵³ *Id.*

not the criminalization of homelessness. Without dedicated facilities and specialized support services for young patients, the medical conditions of these children—over which they have zero control—become catalysts for abandonment, whether in healthcare facilities or on the street.

4. Systemic Failures and Lack of Guardian Competency

Finally, failures in the foster care system and a lack of competent guardianship underscore the role of systemic structures in exacerbating the plight of UHY. While social services may offer temporary relief to youth without homes, a review of research published between 1990 and 2011 suggests that between 11% and 36% of the youths who age out of foster care experience homelessness during the transition to adulthood.⁵⁴ Additionally, some youth in foster care might choose to abandon their housing placements to escape instances of injustice, maltreatment, or intimidation.⁵⁵ The story of a child named Crystal is a poignant example of this issue.⁵⁶ Raised in the foster care system from

⁵⁴ Amy Dworsky et al., *Homelessness During the Transition from Foster Care to Adulthood*, 103 *Am. J. Pub. Health* S318, S318 (2013), <https://perma.cc/V5SZ-4FLR>.

⁵⁵ See, e.g., Brodie Fraser et al., *LGBTIQ+ Homelessness: A Review of the Literature*, 16 *Int'l J. Env't Rsch. & Public Health* 1, 5 (2019), <https://perma.cc/RG86-F8F5> (discussing how youth in foster care are susceptible to sexual abuse, which often results in them running away).

⁵⁶ Morgan Mendez, *Why I'm Homeless: Episode 5*, Apple Podcasts (Oct. 21, 2021), <https://perma.cc/BWH2-6Z9K>.

a very young age, Crystal eventually ended up adopted by an abusive mother.⁵⁷ Her teenage years became almost unbearable, leading her to conclude that life on the streets would be easier than staying at home.⁵⁸ While Crystal's experience provides an illustration of how the instability that comes with being in the foster care system often leads to homelessness for these vulnerable youth, this issue is not confined to Crystal alone. Indeed, a survey of literature on UHY shows that a significantly large portion of young people who are experiencing homelessness have a history of being in foster care.⁵⁹

II. Current Support Systems Are Insufficient to Serve the Rising Population of Women and Children Experiencing Homelessness.

The rise in homelessness among women and children is even more concerning when considering that the support systems that provide necessary services to individuals experiencing homelessness are underfunded, are in short supply, and have been unable to serve the populations experiencing homelessness for years. For example, in 2019, the total population of people experiencing homelessness in the United States exceeded the number of available beds by over 257,000.⁶⁰

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Fraser et al., *supra* note 55, at 5.

⁶⁰ Asia A. Eaton et al., *A Culture of Care: How Lotus House Women's Shelter Heals Program Participants Through Genuineness, Space, High Expectations, Dignity, Individualized Attention*,

Despite an increase in the number of beds available over the last few years, HUD still estimates that there remains a 200,000 bed shortfall compared to the total number of people experiencing homelessness on any single night in the United States.⁶¹ This shortage in available beds is the number one reason for short shelter stays, and the primary reason why individuals experiencing homelessness do not seek shelters to begin with.⁶²

The lack of available beds directly affects children experiencing homelessness, as unaccompanied youth are more likely to end up experiencing unsheltered homelessness than all individuals experiencing homelessness.⁶³ This also has a direct impact on victims of domestic and gender-based violence (discussed in more detail in Section III, below). In fact, during the 24-hour period surveyed in the recently released 18th Annual Domestic Violence Counts Report by the National Network to End Domestic Violence, which summarizes a one-day, unduplicated count of domestic violence services requested and received across the United

and Community, 50 *J. Community Psychol.* 1793, 1808 (2021), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/jcop.22579>.

⁶¹ Nat'l Law Ctr. on Homelessness & Poverty, *supra* note 5, at 91.

⁶² Eaton et al., *supra* note 60, at 1808.

⁶³ 2023 HUD Report, *supra* note 2, at 94 (“Overall, beds dedicated to youth represented only three percent of the total inventory of beds available for people experiencing homelessness.”); *id.* at 54 (calculating that 40.9% of unaccompanied youth are unsheltered, as compared to 39.3% of all people experiencing homelessness who are unsheltered).

States,⁶⁴ domestic violence victims made 13,335 unmet requests for services.⁶⁵ The majority of the unmet requests (54%) were for emergency shelter and housing.⁶⁶

Additionally, there are enormous barriers to accessing physical and mental healthcare for individuals experiencing homelessness, which is especially more difficult and burdensome for women and children—particularly women who are expecting or are premenopausal.⁶⁷

⁶⁴ Nat'l Network to End Domestic Violence, *18th Annual Domestic Violence Counts Report 1* (2024), <https://perma.cc/A7BF-4LCT>.

⁶⁵ *Id.* at 2.

⁶⁶ *Id.*

⁶⁷ Homelessness presents a constant struggle to find food, shelter, and basic resources, and women are particularly affected. Women who are premenopausal struggle to access feminine hygiene products, privacy to change those products, pain relief, and regular access to shower or laundry facilities. This creates significant risks of infection and other health complications for women experiencing homelessness. See Allegra Parrillo & Edward Feller, *Menstrual Hygiene Plight of Homeless Women, a Public Health Disgrace*, 100 R.I. Medical J., Dec. 2017, at 14, <https://perma.cc/P34J-C8G3>.

III. Women and Children Are Uniquely Vulnerable to Homelessness and to Its Effects Due to Domestic and Gender-Based Violence.

Women are uniquely vulnerable to homelessness in large part because of the relationship between gender-based violence and homelessness. According to the Centers for Disease Control and Prevention’s (CDC) National Intimate Partner and Sexual Violence Survey, a nationally representative telephone survey of U.S. adults, over 40% of women (approximately 52 million) have experienced some form of physical violence by an intimate partner, and approximately 32.5% of women (approximately 40.5 million) have experienced severe physical violence by an intimate partner, including being punched, kicked, choked, or threatened with a deadly weapon.⁶⁸ The CDC’s survey also found that approximately 19.6% of women (approximately 24.5 million) experienced contact sexual violence—including rape, sexual coercion, and unwanted sexual contact—in their lifetime, and 3.2% (approximately 4 million) experienced contact sexual violence in the 12 months before the CDC’s survey.⁶⁹ Experts, including the CDC, widely agree that these statistics are under-inclusive.⁷⁰ Although the CDC did not estimate the

⁶⁸ Ruth W. Leemis et al., Nat’l Ctr. for Injury Prevention & Ctrl., Ctrs. for Disease Ctrl. & Prevention, *The National Intimate Partner and Sexual Violence Survey: 2016/2017 Report on Intimate Partner Violence* 5 (Oct. 2022), <https://perma.cc/5TLB-N36D>.

⁶⁹ *Id.* at 4.

⁷⁰ *Id.* at 16 (“[R]espondents may have chosen not to disclose victimization due to safety concerns despite efforts to ensure their comfort with doing so. Thus, the estimates presented in this

extent to which its survey underreported gender-based violence, the Department of Justice has found that fewer than half of all gender-based violence incidents are reported to the police.⁷¹

Given the prevalence of gender-based violence, it is no surprise that gender-based violence persists as a leading cause of homelessness for women.⁷² Approximately 6.9 million women have needed housing services in their lifetime as a result of intimate partner violence,⁷³ and studies have found that between 22% and 57% of all women experiencing homelessness report that gender-based violence is “the immediate cause of their homelessness.”⁷⁴ Between 2020 and 2022, pandemic-related lockdowns exacerbated gender-based violence incidents across the United States.⁷⁵

report might underestimate the true prevalence of intimate partner violence in the U.S. population.”).

⁷¹ Alexandra Thompson & Susannah N. Tapp, Office of Justice Programs, U.S. Dep’t of Justice, *Criminal Victimization, 2022* at 6, NCJ No. 307089 (Sept. 2023), <https://perma.cc/LD2K-XXC9>.

⁷² Jana L. Jasinski et al., *The Experience of Violence in the Lives of Homeless Women: A Research Report 2–3* (2005), <https://perma.cc/4ZAZ-YARA>.

⁷³ Leemis et al., *supra* note 68, at 10, 30.

⁷⁴ Admin. for Children & Families, U.S. Dep’t of Health & Hum. Servs., *Fact Sheet, Domestic Violence and Homelessness: Statistics* (2016), <https://perma.cc/TUN8-FQEL> (last visited Mar. 31, 2024).

⁷⁵ Tanya de Sousa et al., U.S. Dep’t of Health & Hum. Servs., *National Snapshot of Trends in the National Domestic Violence Hotline’s Contact Data Before and During the COVID-19 Pandemic* (2022), <https://perma.cc/JM55-H6VE>; Brad Boserup et al., *Alarming Trends in the US Domestic Violence During the*

Commensurate with this violence increase, “[b]oth the number and percentage of women experiencing homelessness as individuals increased at a greater rate than men between 2020 and 2022.”⁷⁶ The fact that homelessness among women increased at such a rate is noteworthy, given that the pervasive eviction moratoriums in effect during this time across the United States would have protected women and families facing economic difficulties from experiencing homelessness.⁷⁷

The effects of gender-based and domestic violence, and its relationship with homelessness, ripple beyond just women. When victims of gender-based violence are also mothers, their children are at greater risk of homelessness as well. One cross-sectional national study found that one in ten children had witnessed an

COVID-19 Pandemic, 38 Am. J. of Med. 2753 (Apr. 20, 2020), <https://perma.cc/B9DQ-QKJN>.

⁷⁶ U.S. Dep’t of Hous. & Urb. Dev., *The 2022 Annual Homelessness Assessment Report (AHAR) to Congress 27* (Dec. 2022), <https://perma.cc/T68V-B75K>.

⁷⁷ See Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, 85 Fed. Reg. 55292 (Sept. 4, 2020); Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, 86 Fed. Reg. 8020 (Feb. 3, 2021); Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, 86 Fed. Reg. 16731 (Mar. 31, 2021); Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, 86 Fed. Reg. 34010 (June 28, 2021); Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19, 86 Fed. Reg. 43244 (Aug. 6, 2021) (Federal eviction moratoriums preventing evictions from September 4, 2020 through August 26, 2021).

intrafamily assault.⁷⁸ In addition, an estimated 30% to 60% of domestic violence perpetrators also abuse children in the household.⁷⁹ Approximately 45 million children in the United States will be exposed to violence during childhood.⁸⁰ There are over 3 million referrals to child protective authorities each year and approximately two out of every 100,000 children die because of domestic violence.⁸¹

In addition, a staggering 80% of women with children experiencing homelessness have reported being victims of violence by their domestic or intimate partners.⁸² However, this number may also underrepresent the abuse women and children experiencing homelessness have faced. In fact, the Lotus House Women’s Shelter in Miami, Florida—a member of NWSN’s provider network and the largest women’s homeless shelter in the country⁸³—reported that of the 724 women sheltered at its facility from January 2018 through

⁷⁸ David Finkelhor et al., *Violence, Abuse, and Crime Exposure in a National Sample of Children and Youth*, 124 *Pediatrics* 1411, 1411 (Nov. 2009).

⁷⁹ Kelly Kelleher et al., *Final Report: Co-Occurring Intimate Partner Violence and Child Maltreatment: Local Policies/Practices and Relationships to Child Placement, Family Services and Residence* 4 (Mar. 2006), <https://perma.cc/Z5XW-BM3Q>.

⁸⁰ Martin R. Huecker et al., *Domestic Violence*, StatPearls (Apr. 9, 2023), <https://perma.cc/B9NB-KE7M>.

⁸¹ *Id.*

⁸² Gaps and Needs Workgroup, Miami-Dade County Domestic Violence Oversight Board, *Gaps and Needs Report* 10 (May 9, 2020), <https://perma.cc/U7CP-JC8M>.

⁸³ *See About Lotus House*, Lotus House Women’s Shelter, <https://perma.cc/S6GV-HV57> (last visited Mar. 31, 2024).

June 2019, 721 (99%) of them had histories of abuse or other traumas, and 456 (63%) had been victims of domestic or intimate partner violence.⁸⁴ The women sheltered at Lotus House during that same period were accompanied by 700 children.⁸⁵

Gender-based and domestic violence also forces children to seek safety in homelessness unaccompanied. The most common reason youth give for running away from home is to escape a negative home environment.⁸⁶ The National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMAART-3), released by the U.S. Office of Juvenile Justice and Delinquency Prevention in 2017, estimated a prevalence of running away of 5.3 per 1000 children, and other studies have estimated that between 5%–8% of adolescents run away every year.⁸⁷ While the NISMAART-3 response rate was not high enough to be able to break down the characteristics of the runaway episodes, data from the previous NISMAART study found that 21% of youth (approximately 350,400 individuals) who had run away or been thrown out of their homes reported experiencing physical or sexual abuse within the past year, or feared such abuse if they returned home.⁸⁸ Other studies of youth experiencing homelessness show rates of sexual abuse

⁸⁴ Gaps and Needs Workgroup, *supra* note 82, at 10.

⁸⁵ *Id.*

⁸⁶ Gambon et al., *supra* note 39, at 4.

⁸⁷ *Id.* at 2.

⁸⁸ *Id.* at 3, 5.

ranging between 17%–35%, rates of physical abuse ranging between 40%–60%, and around 20% having been removed from their home by authorities at some point prior to their homelessness due to neglect or abuse.⁸⁹

Exposure to violence not only forces children to flee their homes, but it also increases the risk of psychiatric disorders in later life.⁹⁰ Further, consistent exposure to adverse childhood experiences and unstable home environments can have detrimental effects on a child’s development and create cycles of abuse, violence, and homelessness that persist through generations.⁹¹

Of course, women and children—accompanied and unaccompanied—are not insulated from macroeconomic trends, and their rates of homelessness can be attributed to factors other than domestic or gender-based abuse. In its most recent annual report to the President, the U.S. Interagency Council on Homelessness reported a 12% rise in homelessness between January 2022 and 2023, in large part due to rising costs of housing and an associated housing shortage, an end to pandemic-era protections and government assistance, lack of Congressional support

⁸⁹ *Id.* at 5.

⁹⁰ Huecker et al., *supra* note 80.

⁹¹ See Div. of Violence Prevention, Nat’l Ctr. for Injury Prevention & Ctrl., Ctrs. for Disease Ctrl. & Prevention, *Fast Facts: Preventing Adverse Childhood Experiences* (June 29, 2023), <https://perma.cc/3WCM-FNYV>.

for adequate funding, and large numbers of asylum-seekers and immigrants.⁹² It also observed that older adults are the fastest growing age group of people experiencing homelessness.⁹³ Nevertheless, women are particularly vulnerable to homelessness compared to men due to the financial and time constraints of childcare, the costs of which have recently skyrocketed.⁹⁴ Moreover, as the Women’s Bureau of the U.S. Department of Labor observed, wages for working mothers often do not keep pace with childcare costs, which can be a barrier to maternal employment.⁹⁵ Because women can spend up to 50% more time caring for their children than men, mothers—and single mothers in particular—are uniquely pressured by the cost of childcare, and are thus uniquely vulnerable to homelessness.⁹⁶

The unique, gender-specific needs of women experiencing homelessness bring forth a whole host of

⁹² U.S. Interagency Council on Homelessness, *Annual Report for Fiscal Year 2023: Report to the President of the United States* 6 (Jan. 31, 2024), <https://perma.cc/DFQ8-TZ9R>.

⁹³ *Id.* at 8.

⁹⁴ Adam Grundy, *Estimated Revenue for Child Day Care Services Climbed as Child Care Options Declined in 2021*, U.S. Census Bureau (Jan. 9, 2024), <https://perma.cc/M6QT-VR34>.

⁹⁵ Liana Christin Landivar et al., U.S. Dep’t of Labor, Women’s Bureau, *Childcare Prices in Local Areas: Initial Findings from the National Database of Childcare Prices 9–10* (Jan. 2023), <https://perma.cc/8XVU-WGJC>.

⁹⁶ Human Rights Clinic, Univ. Miami Sch. of Law, *The Impact of Inadequate Caregiving Support on Women’s Housing Stability* (May 9, 2022), <https://perma.cc/4PET-GXZT>.

challenges and limitations that should be foregrounded in any discourse surrounding the impacts of criminalizing homelessness. Women on the streets experience not only the deprivation of shelter but also the deprivation of dignity and safety, exacerbated by a lack of access to feminine hygiene products,⁹⁷ private spaces for bodily care, and gender-sensitive healthcare.⁹⁸

IV. The Ordinance Punishes Women and Children Experiencing Homelessness in a Cruel and Unusual Manner.

A. Women Experiencing Homelessness

Despite the clear recognition that the Eighth Amendment prohibits the criminalization of involuntary conduct, the Ordinance seeks to criminalize sleeping outdoors, an inevitable conduct of involuntarily unhoused individuals. *See Martin v. City of Boise*, 920 F.3d 584, 616 (9th Cir. 2019) (“[T]he Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is unavoidable consequence of one’s status or being.”). The Ordinance not only provides for a cruel and unusual punishment of involuntary conduct, but it also serves to castigate

⁹⁷ *E.g.*, Chloe Williams, *Female Homelessness and Period Poverty*, National Organization for Women (Jan. 22, 2021), <https://perma.cc/7RSM-U95Z>.

⁹⁸ *E.g.*, Joy H. Lewis et al., *Health Care for Homeless Women: Unmet Needs and Barriers to Care*, 18 J. Gen. Internal Med. 921 (Nov. 2003), <https://perma.cc/WQ4A-XTQ5>.

women by perpetuating one of the leading causes of homelessness in women—gender-based violence.⁹⁹ The insidious effects of ordinances that penalize the unavoidable consequences of homelessness, thus, strike with particular cruelty against women, who are often fleeing from gender-based violence.

As discussed above, the leading cause of homelessness among women, whether unaccompanied or part of a family, young or old, is domestic and gender-based violence.¹⁰⁰ The push by the City to criminalize essential survival actions due to resource shortages underscores a systemic neglect, amplifying the cruelty of the Ordinance. Shelters, scarce and strained, cannot meet the demands of those they seek to serve, especially not the needs of women who, having fled from violence, find no sanctuary in gender-neutral facilities.¹⁰¹ These situations faced by women, together with the unique challenges encountered by them, make the Ordinance especially cruel and usual. *See Ingraham v. Wright*, 430 U.S. 651, 667 (1977) (The Eighth Amendment “proscribes punishment grossly disproportionate to the

⁹⁹ See Am. Civ. Liberties Union, Women’s Rights Project, *Trapped Between Violence and Homelessness* (Mar. 21, 2006), <https://perma.cc/VLE3-3ZLE>.

¹⁰⁰ See *supra* Section III.

¹⁰¹ *E.g.*, Janny S. Li & Lianne A. Urada, *Cycle of Perpetual Vulnerability for Women Facing Homelessness near an Urban Library in a Major U.S. Metropolitan Area*, 17 Int’l J. Env’t Rsch. & Pub. Health 1, 2 (2020), <https://perma.cc/3K85-6RQV> (“[W]omen report feeling unsafe in shelters, having experienced abuse or been offered substances in these co-ed facilities.”).

severity of the *crime*; and third, it imposes substantial *limits on what can be made criminal and punished as such.*”).

The Ordinance further consists of a cruel and unusual punishment under the Eighth Amendment because the economic consequences that violating it will serve to add to the economic challenges women experiencing homelessness already face. Once women are able to leave an abusive situation and take care of their immediate needs, their trauma, need for childcare, and/or flexible schedules place them in a position where it is hard to obtain gainful employment.¹⁰² Thus, if faced with further financial obstacles as a result of the Ordinance, their ability to gain employment and obtain financial independence will be severely compromised.

By exacting penalties on the involuntarily homeless faced by women, the Ordinance results in the cruel and unusual penalization of conduct that is not a choice but rather a necessity. Established jurisprudence underscores the unconstitutionality of punishing individuals for actions they are compelled to undertake due to their status, as highlighted by

¹⁰² See Corine Kodama & Lauren Wheeler, Women Employed, *Intersecting Barriers: Challenges to Economic Empowerment for Domestic Violence Survivors* 20–28 (Jan. 2022), <https://perma.cc/J8E3-F43B> (noting how after meeting their immediate and fundamental needs, women cite access to affordable childcare, flexible schedules and mental health support as their main barriers for survival).

Martin. 920 F.3d at 616. Thus, the Ordinance is nothing more than an unconstitutional punishment that represents a disproportionate and unjust punishment of involuntary conduct.

Moreover, the Ordinance is not only cruel and unusual because it seeks to punish an involuntary condition, but also because it places women in a situation where they will be penalized for attempting to reach safety.¹⁰³ In other words, the Ordinance would seek to punish women for choosing to live and remove themselves from violence, rather than staying housed with an abusive partner or parent. Thus, the Ordinance would serve only to oppress an already vulnerable part of the population, as numerous studies have shown that women generally choose to stay in abusive relationships, due to the stigmas associated with domestic and gender-based violence.¹⁰⁴ By penalizing homelessness, Grants Pass is effectively asking women to choose their cruel and usual punishment: victimhood of violence or jail. *See Robinson v. California*, 370 U.S. 660, 667 (1962) (“Even one day in prison would be a cruel and unusual punishment for the ‘crime’ of having a common cold.”). Such a radical position will only serve to perpetuate the stigmas of domestic or

¹⁰³ Nat’l Network to End Domestic Violence, *Domestic Violence, Housing, and Homelessness* (July 2018), <https://perma.cc/7SEX-SHWJ>.

¹⁰⁴ Nicole M. Overstreet & Dianne M. Quinn, *The Intimate Partner Violence Stigmatization Model and Barriers to Help-Seeking*, 35 *Basic & Applied Soc. Psych.* 109 (Jan. 1, 2013), <https://perma.cc/FM9X-WPG2>.

gender-based violence, rather than to exterminate the cycle of violence.¹⁰⁵ Indeed, instead of providing an environment that will facilitate or encourage women to leave such precarious situations, the Ordinance will only serve to ensure women are prevented from becoming contributing members of society and to expose more children to violence.¹⁰⁶

B. Youth Experiencing Homelessness

The criminalization of youth and minors for their homelessness, a condition proven to be involuntary for this vulnerable population, similarly raises substantial Eighth Amendment concerns reminiscent of the principles laid out in *Robinson v. California*. In *Robinson*, the Supreme Court found that criminalizing addiction constitutes cruel and unusual punishment. *Robinson*, 370 U.S. at 667. Similarly, punishing UHY for their unavoidable circumstances runs afoul of this constitutional protection, not only violating their rights but also entrenching the cycle of homelessness and criminality.

¹⁰⁵ *Id.*

¹⁰⁶ Maggie Germano, *Domestic Violence Has a Financial Impact Too*, *Forbes* (Oct. 17, 2019), <https://www.forbes.com/sites/maggiegermano/2019/10/17/domestic-violence-has-a-financial-impact-too/?sh=15db4e149d04>; *About Financial Abuse*, Nat'l Network to End Domestic Violence, <https://perma.cc/HLJ7-TC5Z> (last visited Mar. 31, 2024).

The cycle of punishment is also compounded for children whose homelessness has been criminalized, emphasizing the cruel and unusual nature of using the Ordinance against youth experiencing homelessness. The stigma of a criminal record for offenses related to homelessness can virtually shut youth out of the job market as adults, exacerbating the struggle to achieve stable, self-sufficient lives. Child labor laws that typically aim to safeguard minors end up further disadvantaging them when the very condition of their homelessness becomes a criminal offense. The cumulative effect of a punitive approach to minors is a detrimental cycle where lack of education, compounded by criminal records stemming from homelessness, leads to an increased likelihood of sustained unemployment and continued social exclusion.¹⁰⁷

Finally, minors—particularly UHY—are frequently propelled into criminal behavior as a means of survival, such as breaking and entering for shelter or resorting to prostitution and drug dealing for financial necessities.¹⁰⁸ Despite often being entangled in criminal activity, these young individuals are typically more victimized by crime than they are criminal agents themselves, facing alarmingly high rates of physical and sexual assault.¹⁰⁹ Significantly, the criminal justice system’s response to these behaviors—rooted in the

¹⁰⁷ Nat’l Network for Youth, *Issue Brief: Consequences of Homelessness* 5 (Mar. 2008), <https://perma.cc/B5CS-VLA5>.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

necessities of their homelessness—often perpetuates a cycle of criminality. For instance, juvenile detention or incarceration not only fails to address the root causes of the predicaments faced by UHY but also exposes them to further criminal influences and stigma, reinforcing their exclusion from society.¹¹⁰ The financial repercussions of this approach are profound, with the cost of placing a youth experiencing homelessness in the criminal justice system for one year greatly surpassing that of supportive interventions that could break their cycle of homelessness and associated criminal behavior.¹¹¹ Further, punitive responses fail to aid in rehabilitating UHY, instead deepening their disenfranchisement and ongoing criminal activity, and contributing to their likelihood of chronic homelessness.¹¹²



¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

CONCLUSION

Amici curiae respectfully requests that the Court uphold the decision of the Court of Appeals.

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