



City of Missoula response to urban camping

Missoula's Emergency Winter Shelter closed for the season on April 10. The shelter slept an average of 116 people a night through the winter, serving as a lifesaver for many people.

Missoula residents will see an increase of people looking for shelter in the urban area. Some people will stay at the Poverello Center, Missoula's year-round, independent homeless shelter, and some will find stable housing. Others are attempting to shelter in tents and vehicles, sometimes in public places. There will likely not be enough indoor shelter for all.

The City of Missoula attempts to balance the needs and expectations of people who are living unsheltered with the needs and expectations of residents who own homes and businesses. Local governments in the nine Western states covered by the federal Ninth Circuit Court are operating under a ruling by the court that says that cities cannot enforce anti-camping ordinances if they do not have enough homeless shelter beds available for the homeless population.

In *Boise v. Martin*, the Ninth Circuit court held the Cruel and Unusual Punishment clause, part of the Eighth Amendment to the United States Constitution, "prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter." The Ninth Circuit extended this ruling in the *Johnson v. Grant's Pass* opinion, stating that the Cruel and Unusual Punishment clause also prohibits criminal enforcement against homeless individuals who use "the most rudimentary precautions" a homeless person might take against the elements, such as bedding, blankets or sleeping bags.

City staff members respond to complaints as they are able and actively investigate complaints about growing encampments. We are able to enforce health and safety codes and keep rights-of-way and public spaces open for public use. We are not able to remove people and their tents or vehicles simply for camping. We are navigating the epidemic of people living unsheltered just as all cities in the West are doing.

As a first response, we work with the Homeless Outreach Team of the Poverello Center and outreach staff from Hope Rescue Mission. Team members make contact with people camping in public places to talk with them about alternatives and solutions. When we determine that a camp must be evacuated and cleaned up due to public health, safety or environmental hazards, City staff members post the campsite with at least a two-day notification to campers to remove their belongings. City staff then work to remove all hazards, including garbage and hypodermic needles.

Reporting hazardous urban camping

- If you are in immediate danger or believe a crime is being committed, call 911. To report a camp that is growing, hazardous, causing public health or safety concerns, preventing the use of public spaces or blocking public right-of-way, [use our complaint form](#).

April 19, 2023