Four seasons, five regions, and other reasons for localizing laws on homelessness

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The United States Supreme Court is scheduled to hear the case of *Grants Pass v. Johnson* to decide whether the country should make it illegal to sleep on public property. This commentary makes a case for why it may be sensible for local jurisdictions to adjudicate their own laws and policies about unsheltered homelessness. Homelessness in the United States is a major public health problem that is heterogeneous and may be best addressed locally (by state, city, or county). One-size-fit-all federal laws may ignore local knowledge and context; they may not optimally serve different communities.

The most recent annual point-in-time (PIT) count reported over 650,000 people experiencing homelessness in the United States on a given night, which is its highest level since reporting began 17 years ago.[1] Despite limitations of the PIT count,[2] the count illustrates the vast geographic differences in homelessness based on geography between hundreds of Continuums of Care (which are homeless service catchment areas) across the five major regions of the country. While there were about 180,000 homeless people counted in California in 2023, there were about 27,000 homeless people counted in Texas in the same year. Vast differences exist not only in the PIT count cross-sectionally, but also in changes in PIT counts from year-to-year. For example, from 2022 to 2023, there was a 52% increase in the PIT count in New Hampshire, while there was a 57% decrease in Louisiana. These statistics illustrate how different homelessness is experienced by state, and by states over time just in the numbers of affected individuals. With differences in numbers, it would be reasonable to expect community needs, resources, and attitudes vary as well.

It would be infeasible to outline all the different ways that localities vary in their experiences with homelessness, characteristics and needs of their homeless populations, amount of resources available, and community sentiment and investment in efforts to address homelessness. And that is the point! This commentary highlights a few examples of the ways localities differ that may impact local decision-making of policies around homelessness and the importance of empowering local communities.

Unsheltered homelessness

Scholars have long noted seasonal variation in rates and types of homelessness.[3,4] As the weather changes throughout the year, the availability of shelters and amount of unsheltered homelessness changes as well. Weather varies greatly by region, and so unsheltered homelessness appears quite differently in regions by season. For example, unsheltered homelessness is rarer in New York during the winter compared to California during the summer. Unsheltered homelessness may be fatal in some areas of the country with freezing weather or high heat in some months of the year, and so policies to reduce this risk may be warranted in these areas. Geography and weather may seem like superficial factors, but homelessness is a physical phenomenon bound by environmental realities. Experiences and challenges of homeless people vary greatly by locality, indicating communities may be best served if solutions and policies were localized as well.

Demographic differences

As exist in the general population, there are major demographic differences in homeless populations by geography. For example, the large increase in homeless individuals from Asian/Asian American (53%) observed in the 2022–2023 PIT counts was not uniform across regions but was mostly due to increases in Los Angeles and San Jose/Santa Clara.[1] Different communities have different cultures, perspectives, needs, and challenges. As many healthcare interventions are being culturally tailored to serve particular groups,[5] homeless policies tailored to cultural and demographic contexts may better reflect local democracies.

Healthcare coverage and access

As of 2024, ten states have not adopted Medicaid expansion, and some of the 41 other states that have adopted Medicaid expansion are placing limits or requirements on expansion populations, especially through Section 1115 waivers.[6] Medicaid expansion can affect the use and access of healthcare of homeless populations in states.[7,8] As Medicaid expansion remains a state-option, each state may be best served to

determine its own policy levers to best serve homeless individuals and their communities.

Housing inventory and support

The old real estate adage "location, location, location" should apply to homeless policies. As the housing market is vastly different across the country, there is wide variation in the affordability and availability of housing; incentives for property owners and lessors; and the types of type of governmental assistance or housing subsidies provided as a function of the cost of living. Many local homeless assistance programs rely on federal funds, such as through the Department of Housing and Urban Development, which has provided communities some flexibility in their use of federal funds and empowered localities to allocate funds according to their local needs.[9]

Community attitudes and politics

The United States is unique in delegating responsibility of governance to many local jurisdictions across the country on various issues. Many communities have different opinions and attitudes about laws related to homelessness, such as the *Grants Pass v. Johnson* case. Some may be concerned about the Not In My Backyard (NIMBY) phenomenon, but there is also some evidence that many people in the country feel compassion for homeless individuals and those who have greater exposure to homelessness in their communities have greater compassion and accurate knowledge about homelessness.[10] Greater decision-making power in communities would garner greater local buy-in and investment for community members to address homelessness. Moreover, local governments, elected by their communities, have a greater understanding of the unique challenges and needs within their communities.

Conclusion

Allowing for local development of policies around homelessness could empower communities, encourage greater local attention and investment, and allow for tailored solutions with consideration to local context and needs. Whether it's differences in seasonal weather, regional demography, or community resources, many laws around homelessness, such as the *Grants Pass v. Johnson* case, may be most effective when localized instead of federalized. Providing jurisdictions local control would also allow for comparison and experimentation between jurisdictions, and sharing and learning of lessons towards a united goal of lifting all communities out of homelessness.

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