

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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Indianapolis Protects Eviction of Homeless Persons without Alternatives *New Law Models Federal Guidance*

INDIANAPOLIS, IN. – While cities from San Francisco to Chicago have come under recent scrutiny for evicting homeless encampments without providing adequate alternatives for homeless persons, **Indianapolis, Indiana last week signed into law a [new ordinance requiring transitional or permanent housing be provided to homeless camp residents before evictions can take place](#)**, consistent with key [guidance](#) provided by the U.S. Interagency Council on Homelessness (USICH) last summer.

“We welcome Indianapolis’ new ordinance following guidance from USICH as taking a stronger stand against criminalization of homelessness and for the human right to housing,” said Maria Foscarinis, Executive Director of the National Law Center on Homelessness & Poverty which worked with the agency to develop the guidance. “This ordinance reaffirms what we’ve known for many years: by approaching homelessness with social systems, not criminal justice systems, both communities and homeless individuals win. Communities across the country should take note of Indianapolis’ model, because ensuring housing, as well as any needed services, will be critical to the successful implementation of any strategy to address encampments.”

The Indianapolis ordinance now requires a minimum of 15 days’ notice before a proposed eviction, and provides that “If there is insufficient available housing and services ... to meet the needs of all displaced homeless persons in a camp scheduled to be closed by the city, the city must wait until there is sufficient available housing and services before it can close the camp, and in the interim the city will give priority to long-term residents of the camp.” It also provides for protection and storage of homeless persons belongings. The ordinance does add that if the city makes a written determination that an emergency exists, it does not need to await the existence of adequate alternative housing before the eviction.

Indianapolis' previous approach to evicting encampments was documented in the film "[Under the Bridge: The Criminalization of Homelessness](#)" by A Bigger Vision Productions. The Law Center, which works closely with local and national advocates as well as federal and local governments to promote best practices in addressing homelessness, helped facilitate a [screening and discussion](#) of the film by the Departments of Justice and Housing & Urban Development in November. By connecting local advocates and policymakers at the federal level, the Law Center was able to support the work being done locally to improve city policies. Local advocate and film director/producer, **Don Sawyer, stated, "This exposure of homeless policy in Indianapolis has motivated its city officials and influencers to sprint toward developing homeless solutions, including efforts to acquire affordable housing, development of an engagement center and correcting emergency shelter options. What the Law Center has done for the homeless community of Indianapolis is immeasurable in the fight to decriminalize homelessness and improve homeless conditions."**

Indianapolis' approach is consistent with the broad federal pressure against taking a criminal justice approach to homelessness. Last August, the U.S. Interagency Council on Homelessness published [guidance](#) that called forced dispersal of encampments "not an appropriate solution," and the Department of Justice filed a [statement of interest brief](#) stating "**Criminally prosecuting those individuals for something as innocent as sleeping, when they have no safe, legal place to go, violates their constitutional rights.**" In September, the Department of Housing & Urban Development [inserted](#) a new question into its application for a \$2 billion grant program giving local governments and providers' higher scores, and potentially increased funding, if they demonstrate they are preventing the criminalization of homelessness. And in December, a DOJ Office of Community Oriented Policing Services newsletter [stated](#), "Arresting people for performing basic life-sustaining activities like sleeping in public takes law enforcement professionals away from what they are trained to do: fight crime."

"Evicting encampments without providing adequate alternatives is essentially lazy policymaking: you may feel like you are doing something about the problem, but you are really just wasting taxpayer money, without results to show for it," said Eric Tars, Senior Attorney with the Law Center. **"Elected officials should follow Indianapolis' example and take positive steps to end homelessness, rather than using precious community resources on sweeps of encampments that only make things worse."**

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The National Law Center on Homelessness & Poverty (www.nlchp.org) is the only national organization dedicated solely to using the power of the law to prevent and end homelessness. With the support of a large network of pro bono lawyers, we address the immediate and long-term needs of people who are homeless or at risk through outreach and training, advocacy, impact litigation, and public education.