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NOTE FROM THE EDITORS

On February 28, 2025, the *North Carolina Civil Rights Law Review* hosted our annual Conference on Race, Class, Gender, and Ethnicity (CRCGE). The focus was on the recent Supreme Court decision *Grants Pass v. Johnson* and its implications on the housing crisis in America. Several speakers, including academics, professionals, and advocates gathered to share their insights on the case and current landscape of housing reform. Three speakers, Professor Rankin, Dr. Agard, and Kenni Cummings graciously agreed to expand upon their comments for publication of a conference-specific issue.

We would like to thank the authors for the time and dedication they have put towards their pieces. This is the first issue of its kind in our journal's history, and it would not have been possible without the hard work of the authors throughout the year. Thank you to the Board and staff for diligently reviewing the pieces. We hope to continue publishing conference-specific issues for years to come.

Punishment, Cruelty & Justice: Critically Interrogating *Grants Pass v. Johnson*¹

SARA K. RANKIN*

Thank you to the *North Carolina Civil Rights Law Review* (NCCRLR) for hosting this Conference on Race, Class, Gender, and Ethnicity (CRCGE). For many, it's scary to identify with or work on these topics. That's especially the case now. As someone whose work focuses on homeless rights advocacy, I think a lot about how marginalized people are disproportionately represented in homeless populations.² That's not an accident. Homelessness is the expression of sustained, systemic oppression and discrimination against human beings based on their race, class, gender, gender identity, sexual orientation, disability, immigration status, and ethnicity.

So, what's the law's role in our country's homelessness crisis? It helps to think of homelessness as a two-handed challenge: the right hand and the left hand. The right hand is the hand we traditionally think of

1. Editor's Note: The following is a transcript of the keynote address delivered by Sara K. Rankin, Professor of Law, at the North Carolina Civil Rights Law Review's Conference on Race, Class, Gender, and Ethnicity on February 28, 2025. The transcript has been lightly edited for publication.

* Professor, Seattle University School of Law; J.D., New York University School of Law; M.Ed., Harvard Graduate School of Education; B.A., University of Oregon. Justice Sotomayor quoted Professor Rankin's scholarship in the *Johnson* dissent. See *City of Grants Pass, Oregon v. Johnson*, 603 U.S. 520, 577-78 (2024) (Sotomayor, J., dissenting) (quoting Sara Rankin, *Hiding Homelessness: The Transcarceration of Homelessness*, 109 CAL. L. REV. 559, 561 (2021)).

2. See generally Kaya Lurie & Breanne Schuster, *Discrimination at the Margins: The Intersectionality of Homelessness & Other Marginalized Groups*, SEATTLE UNVI. SCH. OF L., May 2015, at 2 n.33-34, <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1002&context=hrap>; ERIC TARS AND SIYA HEDGE, NAT'L HOMELESSNESS L. CTR. & TAMAR EZER AND ABIGAIL WETTSTEIN, UNIV. OF MIAMI SCH. OF L. H.R. CLINIC, RACIAL INJUSTICE IN HOMELESSNESS AND HOUSING IN THE UNITED STATES (2023), https://homelesslaw.org/wp-content/uploads/2023/11/Racial-Injustice-in-Homelessness-and-Housing-in-the-United-States_Final_10-6-23-2.pdf (surveying the impact of systemic racism and the overrepresentation of racial groups in homelessness); Lisa Sloane, *Priced Out: The Affordable Housing Crisis for People with Disabilities in 2024*, TECH. ASSISTANCE COLLABORATIVE (Jan. 10, 2024), <https://www.tacinc.org/blog/priced-out-the-affordable-housing-crisis-for-people-with-disabilities-in-2024/> (discussing systemic injustices resulting in overrepresentation of disabled individuals); *Understanding LGBTQ Homelessness*, NAT'L COAL. FOR THE HOMELESS, <https://nationalhomeless.org/lgbtq-homelessness/> (last visited Jan. 15, 2025) (presenting data on the overrepresentation of LGBTQ individuals experiencing homelessness).

when we consider solutions to homelessness: investments in programs, housing, and services. But we tend to ignore, or not even be aware of, what the left hand is doing. The left hand creates and enforces laws that can make homelessness better or worse. These hands rarely work in concert: the left hand is often undoing any progress the right hand might otherwise be making.

A critical illustration of the damage the left hand can inflict is the criminalization of homelessness. Criminalization refers to laws that prohibit or severely restrict someone's ability to engage in necessary, life-sustaining activities in public even when they have no reasonable alternative because they lack a private place to be.³ Examples include laws that punish someone if they sit, stand, sleep, eat, go to the bathroom, ask for help, or even protect themselves from the elements.⁴ We must all do these things to survive. And yet when someone is unsheltered, their survival—their very existence—becomes criminal. An unsheltered person is inevitably caught in a web of laws that punish them for their status.

These laws are proven to make unhoused people more likely to become sick, to be incarcerated, and even more likely to die.⁵ Studies also repeatedly show what we should intuitively understand: running an already vulnerable person through the criminal or civil legal system leaves them more vulnerable and less likely to emerge from homelessness.⁶

Simply put, criminalization harms vulnerable people and makes homelessness worse. It is the most expensive and least effective way to respond to homelessness.⁷ It is also the most popular method cities turn

3. See Sara Rankin, *Punishing Homelessness*, 22 NEW CRIM. L. REV. 99, 106-07 (2019).

4. *Id.* at 108.

5. *Id.*

6. See, e.g., Sara Rankin, *Civilly Criminalizing Homelessness*, 56 HARV. C.R.-C.L. L. REV. 368, 379 (2021) (discussing how civil infractions harm unhoused people); Roshan Abraham, *Sweeps Aren't Outreach—Policing Homelessness Still Doesn't Work*, SHELTERFORCE (June 30, 2023), <https://shelterforce.org/2023/06/30/sweeps-arent-outreach-policing-homelessness-still-doesnt-work/> (discussing various studies showing criminalization's harms); Marcy Thompson, *The Role of Law Enforcement in Homelessness Response*, NAT'L ALL. TO END HOMELESSNESS (July 23, 2024), <https://endhomelessness.org/blog/the-role-of-law-enforcement-in-homelessness-response/> (highlighting recent examples of police violence and fatal interactions in policing homelessness); *Policing- and Punishment-Based Approaches: A Really Expensive Way to Make Homelessness Worse*, NAT'L COAL. FOR HOMELESS VETERANS (Sept. 28, 2021), <https://nchv.org/policing-and-punishment-based-approaches-a-really-expensive-way-to-make-homelessness-worse/> (summarizing various risks of policing homelessness to unhoused people).

7. See Rankin, *supra* note 3.

to. Why? Because it is the fastest and easiest way to hide homelessness by removing visible poverty—visibly poor people—from view.⁸

Criminalization is proliferating nationwide. Even before *Johnson*,⁹ these punitive laws were already growing, both in terms of number and severity.¹⁰

The constitutional, civil, and human rights issues stemming from punishing unsheltered people for public survival are clear but often contested. The “winner” of that contest was recently decided in the United States Supreme Court’s extraordinarily dehumanizing decision in *Johnson vs. Grants Pass*, where the Court determined that it is not cruel and unusual punishment to jail or fine an involuntarily homeless person for surviving in public space.¹¹

This ruling begs the questions: What is cruelty? What is punishment? What is justice?

Let’s step back for a moment. From early childhood, we understand what punishment means. Do something wrong, and you get punished. It might be corporal or physical; it might be verbal or symbolic shaming, where you are degraded, segregated, or put in a time out.

As we grow up, we begin to comprehend that sometimes people get punished when they don’t do anything wrong at all. That’s when we begin to understand cruelty. We bear witness to the cruelty of abuse, assault, and neglect.

We begin to appreciate the intersections of punishment, power, stigma, segregation, isolation, and deprivation. We learn about mass incarceration and the death penalty. We discover that cruelty and punishment can take systemic forms, such as discrimination, oppression, and other types of structural violence.

8. See generally Sara Rankin, *Hiding Homelessness: The Transcarceration of Homelessness*, 109 CAL. L. REV. 559 (2021) (discussing the use of legal and nonlegal approaches to “hide” homelessness).

9. 72 F.4th 868 (9th Cir. 2023) [hereinafter *Johnson I*], cert. granted sub nom., City of Grants Pass, Oregon v. Johnson, 603 U.S. 520, rev’d and remanded sub nom. City of Grants Pass, Oregon v. Johnson, 603 U.S. 520 (2024) [hereinafter *Johnson II*].

10. See, e.g., NAT’L L. CTR. ON HOMELESSNESS & POVERTY, HOUSING NOT HANDCUFFS 37-49 (2019), <https://homelesslaw.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf>

11. See *Johnson I*, 72 F.4th 868, cert. granted sub nom. City of Grants Pass, Oregon, 603 U.S. 520, rev’d and remanded sub nom. *Johnson II*, 603 U.S. 520 (2024). See also Sara Rankin & Laura Riley, *The Unavoidable Consequences of Homelessness*, 2025 UTAH L. REV. (forthcoming) (for an in-depth discussion of the *Johnson* case).

Some of us go to law school: we learn that the law is always about power, and it is often not about justice. Never forget that the law is a human creation. Whatever you learn about legal formalism, binding authority, and jurisdiction—the law is and always will be what we human beings make it.¹²

I urge you to interrogate any legal construction or interpretation that dares to answer questions that are essential to our humanity, such as, “what is punishment, cruelty, and justice?” When assessing the law, always ask yourself three questions: Who benefits from this legal outcome? Who is harmed? How does the allocation of this benefit and harm square with my human understanding of justice?¹³

Such a lens is crystallizing when you consider the Supreme Court’s recent *Johnson* decision.

Grants Pass is a small city in Oregon, located less than 60 miles north of the California border. Like many cities nationwide, it faces a housing affordability crisis.¹⁴ When *Johnson* was first filed, about 38,000 residents lived in Grants Pass, including at least 600 unhoused people.¹⁵ At the same time, Grants Pass offered “zero emergency shelter beds.”¹⁶

Amid this crisis, the city enacted three ordinances banning sleeping or camping on public property and prohibiting overnight parking in city parks.¹⁷ These laws were specifically designed to apply to unhoused people only—they prohibit resting with any “material used for bedding purposes” in public, but only if you do so “for the purpose of maintaining

12. See, e.g., MARTHA MINOW, MAKING ALL THE DIFFERENCE: INCLUSION, EXCLUSION, AND AMERICAN LAW (1990) (examining how the law categorizes people and enforces social distinctions, demonstrating how legal frameworks are shaped by human choices rather than objective truths); COLIN DAYAN, THE LAW IS A WHITE DOG: HOW LEGAL RITUALS MAKE AND UNMAKE PERSONS (2013) (examining how the law constructs and deconstructs identities, particularly to deny the personhood and humanity of marginalized individuals and to serve the interests of those in power).

13. See FRANCISCO VALDES, STEVEN W. BENDER, JENNIFER J. HILL, CRITICAL JUSTICE: SYSTEMIC ADVOCACY IN LAW AND SOCIETY 6–10 (1st ed. 2021) (describing how to critically identify legal problems and assess whether the law is effectuating justice).

14. See April Ehrlich, More Than Half of Grants Pass Tenants Are “Rent Burdened,” JEFFERSON PUB. RADIO (Dec. 31, 2019), <https://www.ijpr.org/poverty-and-homelessness/2019-12-31/more-than-half-of-grants-pass-tenants-are-rent-burdened> (noting over half of Grant Pass renters are “rent burdened,” meaning they lose a third or more of their income to pay for rental housing).

15. *Johnson* I, 72 F.4th at 874; *Johnson* II, 603 U.S. at 520.

16. See *Blake v. City of Grants Pass*, No. 1:18-cv-01823-CL, 2020 WL 4209227, at *7 (D. Or. July 20, 2020).

17. *Johnson* II, 603 U.S. at 570.

a temporary place to live.”¹⁸ If someone is not doing those things for that purpose, Grants Pass’s law does not apply to them.¹⁹

So, the language of the ordinance showed the specific intent to target unhoused people. The factual record proved it: police testified they only enforced the law against unhoused people.²⁰ If that weren’t enough, the Grants Pass City Council president plainly admitted that the goal of these laws was “to make it uncomfortable enough for them in our city so they will want to move on down the road.”²¹

The city enforced these laws at a feverish rate, and the numbers of unhoused residents cited increased year over year.²² Violators faced progressive punishment, starting with a fine of \$295 and escalating to prosecution for criminal trespass and thirty days in jail.²³

Johnson was filed as a class action, brought on behalf of “all involuntarily homeless individuals living in Grants Pass, Oregon,” who challenged these laws as unconstitutional under the Eighth Amendment’s prohibition against cruel and unusual punishment.²⁴ The District Court concluded the ordinances violated the Eighth Amendment,²⁵ and the Ninth Circuit affirmed.²⁶

The City of Grants Pass assembled an army of amici and petitioned the U.S. Supreme Court for review.²⁷ They argued, among other grievances, that the Ninth Circuit decision hamstrung their ability to respond to homelessness because they needed to jail and fine involuntarily homeless people for not having shelter.²⁸ On January 12, 2024, the U.S. Supreme Court answered the petitioners’ wish, granting cert.²⁹

18. GRANTS PASS, ORE. CODE § 5.61.010(A)-(B).

19. *See id.*

20. *Johnson II*, 603 U.S. at 580 (discussing the record).

21. *See* Brief for Respondents at 1, 33, *Jackson II*, 603 U.S. 520 (2024).

22. *Johnson I*, 72 F.4th at 876–77.

23. *Johnson II*, 603 U.S. at 571.

24. *Johnson I*, 72 F.4th at 875–78.

25. *Blake v. City of Grants Pass*, No. 1:18-cv-01823-CL, 2020 WL 4209227, at *5, *10, *13 (D. Or. July 20, 2020).

26. *Johnson I*, 72 F.4th at 868.

27. Brief for Petitioner, *Johnson II*, 603 U.S. 520 (2024) (No. 23-175). For a full list of all the briefing, including parties and amici, *see* *City of Grants Pass, Oregon v. Johnson*, SCOTUSBLOG, <https://www.scotusblog.com/case-files/cases/city-of-grants-pass-oregon-v-johnson/> (last visited Feb. 18, 2025).

28. *See, e.g.*, Brief for Petitioner, *Jackson II*, 603 U.S. 520 (2024) (No. 23-175); Brief of Amici Curiae City of Phoenix & the League of Arizona Cities and Towns Supporting Petitioner, *Johnson II*, 603 U.S. 520 (2024) (No. 23-175).

29. *Johnson II*, 603 U.S. at 520.

Respondents and their amici explained the harms of criminalizing homelessness.³⁰ They also pointed to the Court’s own precedent for the proposition that the Eighth Amendment—as a baseline barometer of the justice and humanity of the law — should be broadly interpreted as the Court itself stated in *Weems v. United States*.³¹ In *Trop v. Dulles*, the Court again reinforced this principle, stating that the meaning of the Eighth Amendment must adapt to society’s “evolving standards of decency.”³² Then in *Atkins v. Virginia*, the Court explicitly rejected applying an originalist lens to the interpretations of the Eighth Amendment, observing that what is “cruel and unusual” must be judged by today’s norms, not those of the 17th or 18th century.³³ The respondents also emphasized other key Supreme Court precedent, such as *Robinson v. California*, in which the Court interpreted the Eighth Amendment to allow for punishment of one’s voluntary conduct, but not punishment of an involuntary act that is the unavoidable consequence of one’s “status” or “being.”³⁴

Despite this precedent and the factual record, the Supreme Court reversed the Ninth Circuit.³⁵ The decision was predictably split along ideological lines. Justice Neil Gorsuch penned the majority decision, hewing to originalism and requiring the majority to ignore or limit both its own precedent and the factual record to conclude the following:

First, punishment refers to sentencing only, not to whether something can be punished as a crime “in the first place.”³⁶ Second, *Robinson* was not implicated because Grants Pass’s laws were generally applicable to anyone based on their conduct and not on their housing status.³⁷ Third, jailing or fining involuntarily homeless people for attempting to live in

30. See, e.g., Sara Rankin & Laura Riley, *The Unavoidable Consequences of Homelessness*, 2025 UTAH L. REV. (forthcoming) (summarizing the Johnson parties’ arguments).

31. 217 U.S. 349, 376–77 (1910) (observing the Eighth Amendment should be interpreted broadly, being of an “expansive and vital character.”). The *Weems* Court also explained that the “progressive” Eighth Amendment “does not prohibit merely the cruel and unusual punishments known in 1689 and 1787 but may acquire wider meaning as public opinion becomes enlightened by humane justice.” *Id.* at 350.

32. 356 U.S. 86, 101 (1958).

33. 536 U.S. 304, 311–12 (2002).

34. 370 U.S. 660, 666–67 (1962). For more on the *Robinson* decision and its influence on *Johnson*, see Sara Rankin, *Setting the Stage for Johnson*, 67 WM. & MARY L. REV. (forthcoming 2026) (discussing the housing, healthcare, climate, and mass incarceration crises precipitating the *Johnson* decision).

35. *Johnson II*, 603 U.S. 520, 520 (2024).

36. *Id.* at 520–21.

37. *Id.* at 522–23.

public was not cruel.³⁸ To reach this conclusion, Gorsuch drastically narrowed the definition of “cruelty” by tying it to a reference from a death penalty case, asserting that a punishment is only cruel if it “superadds unnecessary terror, pain, or disgrace.”³⁹ Gorsuch drew this standard from *Bucklew v. Precythe*, another decision for which he penned the majority decision.⁴⁰ The *Bucklew* Court ruled executing a capital defendant is not constitutionally cruel “so long as proper procedures are followed.”⁴¹ However, the majority offered no rationale for applying a definition of cruelty derived from a death penalty case to a non-capital case like *Johnson*.⁴² *Bucklew*’s definition refers to extreme forms of brutality—such as “disemboweling, quartering, public dissection, and burning alive”—as the benchmark for unconstitutional cruelty, implying that only deliberate bodily torture beyond an underlying criminal sentence qualifies.⁴³ This interpretation ignored the broader readings of cruelty in the Court’s other non-capital cases, such as *Robinson* and *Powell v. Cook*, which did not require such an excessive threshold.⁴⁴ By forcing capital punishment logic onto non-capital offenses, Gorsuch set a “new sky-high ceiling for the future potential cruelty of anti-homeless laws.”⁴⁵

Having dismissed cruelty, the majority quickly concluded—with little analysis—that jail time and fines in Grants Pass were not unusual merely because such punishments are common nationwide.⁴⁶

Justice Sotomayor wrote a scathing dissent, dismantling the majority’s reasoning.⁴⁷ I recommend reading the whole thing, but here are three highlights:

38. *Id.* at 543.

39. *Id.* at 520-22 (citing *Bucklew v. Precythe*, 587 U.S. 119, 130 (2019)).

40. Not only did Justice Gorsuch author the *Bucklew* majority decision, but it took place when the majority of conservative justices were on the bench including Chief Justice Roberts, Justices Thomas, Alito, Gorsuch, and Kavanaugh.

41. *Bucklew*, 587 U.S. at 129.

42. Sara Rankin & Laura Riley, *The Unavoidable Consequences of Homelessness*, 2025 UTAH L. REV. (forthcoming) (discussing this critique).

43. *Johnson II*, 603 U.S. 520, 520-22 (citing *Bucklew*, 587 U.S. at 130) (discussing the root of precedent authorizing capital punishment); see also Sara Rankin & Laura Riley, *The Unavoidable Consequences of Homelessness*, 2025 UTAH L. REV. (forthcoming) (discussing this interpretation of *Bucklew* and Gorsuch’s use of it in *Johnson*).

44. Sara Rankin & Laura Riley, *The Unavoidable Consequences of Homelessness*, 2025 UTAH L. REV. (forthcoming); see also Sara Rankin, *Setting the Stage for Johnson*, 67 WM. & MARY L. REV. (forthcoming 2026) (discussing *Robinson* and *Powell* in detail).

45. Sara Rankin & Laura Riley, *The Unavoidable Consequences of Homelessness*, 2025 UTAH L. REV. (forthcoming).

46. *Johnson II*, 603 U.S. at 543.

47. *Id.* at 563-92 (Sotomayor, J., dissenting).

In the first sentence of her dissent Justice Sonia Sotomayor says, “Sleep is a biological necessity, not a crime.”⁴⁸ The decision, she wrote, was “unconstitutional and unconscionable.”⁴⁹ Finally, the dissent stated that the majority decision “leaves the most vulnerable in our society with an impossible choice: Either stay awake or be arrested.”⁵⁰ And so—through *Johnson*, the Supreme Court has made it clear that punishment is an unavoidable consequence of being homeless.⁵¹

Before things seem too dark, it’s critical to note that *Johnson* is not the final say on the constitutionality of laws that punish someone for their housing status. It is limited to Eighth Amendment claims under U.S. Constitution; advocates retain many other arrows in our quiver.⁵²

But *Johnson* is legally and morally wrong.⁵³

So, I’ll ask again: What is the role of the law? What is our role? What is our purpose? What is our collective project as lawyers, law students, and people concerned with justice?

I don’t have answers to these questions, but I can offer some ideas. First, I submit that homelessness is one of the most compelling lenses through which to think about what it means to be human.

Human beings are innately designed to connect with one another. Belonging—the act of connecting with others in community—is a fundamental human need.⁵⁴ This is true as much for people experiencing homelessness as it is for people who are housed. In many ways, belonging in community is the realization and expression of what it means to be human. What it means to experience humanity.

But somewhere, somehow, along the American journey, our need for community and belonging morphed into a highly individualized, isolated, fragmented, and intensely polarizing experience.⁵⁵ We tear apart from one another, carving our connections into smaller and smaller

48. *Id.* at 563 (Sotomayor, J., dissenting).

49. *Id.* at 564.

50. *Id.*

51. See generally Sara Rankin & Laura Riley, *The Unavoidable Consequences of Homelessness*, 2025 UTAH L. REV. (forthcoming).

52. *Id.*

53. *Id.*

54. See generally Danieli Evans, *Institutionalized Ostracism*, 29 MICH. J. RACE & L. 155 (2025); Sara Rankin, *The Influence of Exile*, 76 MD. L. REV. 4 (2016).

55. EZRA KLEIN AND DEREK THOMPSON, *ABUNDANCE* (2025) (arguing that embracing a “politics of abundance” can counteract polarization and restore civic trust); ERWIN CHEMERINSKY, *NO DEMOCRACY LASTS FOREVER* (2024) (explaining how structural flaws in U.S. democracy exacerbate political polarization and offering reform proposals.)

fragments. Dividing, subdividing, judging, fearing, atomizing ourselves to the point where we risk losing track of the whole purpose of humanity in the first place—humanity does not have meaning on an individual basis. It can only be appreciated through our collective connection. We all need community to survive.

Now, the first step toward real, genuine community is to commit to the elevation and empowerment of the most marginalized among us.

As a law professor and a lawyer, I am sad to say that the law is often a dehumanizing tool that divides us. Rather than creating community and empowering our most marginalized neighbors, the law often teaches us to fear, persecute, and banish. The law is one of many tools we use for the purpose of protecting community, but, in reality, the law destroys it. For example, consider that law is the codification of how we think about each other. It reflects how we create, construct, and defend what we perceive to be of value. The law informs who we perceive to be of value, who we embrace in community, and who we exclude.

Today, as with many areas across the country, homelessness in my own county is a profound crisis, with over 16,385 individuals experiencing homelessness in 2024—a heartbreaking 23% increase from 2022.⁵⁶ These numbers reflect systemic failures that disproportionately harm marginalized communities.

Seattle's response to this crisis has been to exponentially ramp up sweeps. In 2023, the city conducted a staggering 2,827 sweeps, a 207% increase from the previous year.⁵⁷ Sweeps not only exacerbate the problems unhoused individuals face, but they are also enormously traumatizing.⁵⁸ If you attend one in person, you'll not only witness the fear, confusion, and desperation sweeps inflict, but you'll also learn these practices routinely trash lifesaving medications, warm clothes, food, personal identification, and documents needed to access resources. The sweeps get rid of items with tremendous sentimental value, such as your mother's ashes,

56. *Point-in-Time Count 2024*, KING CNTY REG'L HOMELESSNESS AUTH., <https://kcrha.org/data-overview/king-county-point-in-time-count/> (last visited May 12, 2026).

57. Guy Oron, *Sweeps Tripled in 2023: Inside Seattle's Extensive Policy of Sweeps and Forcible Displacement of Homeless People*, REAL CHANGE (June 5, 2024), <https://www.realchangenews.org/news/2024/06/05/sweeps-tripled-2023>.

58. *See Impact of Encampment Sweeps on People Experiencing Homelessness*, NAT'L HEALTH CARE FOR THE HOMELESS COUNCIL (Dec. 2022), <https://nhhc.org/?s=sweeps&id=284153>.

the only known photograph of your sibling, or your youngest child's crayon drawings.⁵⁹

Seattle is not unique—in the 6 months following the *Johnson* decision, nearly 200 new laws have been proposed or enacted to punish homelessness.⁶⁰ Some of these laws are breathtaking in their cruelty: punishing homelessness as a felony⁶¹, granting housed people the right to use lethal force if they suspect someone is camping,⁶² or even criminally punishing those who would help someone experiencing homelessness for “aiding and abetting.”⁶³

All of this is to say that the work each of us does is in the context of a system that is fundamentally flawed and in need of change. None of us can promise to fully protect and serve our most vulnerable neighbors, but we can promise to listen, provide support, and do our best to honor the humanity of others and ourselves. We can also promise to fight for change and meaningful justice.

This work is neither easy nor fast; it is a lifelong struggle.

But as the great Angela Davis reminds us, “You have to act as if it were possible to radically transform the world. And you have to do it all the time.”⁶⁴

59. See, e.g., *Encampment Sweeps: What are They and the Harm They Cause*, AM. C.L. UNION (Oct. 29, 2024), <https://www.aclu-wa.org/story/encampment-sweeps-what-they-are-and-harm-they-cause%C2%A0>; *Impact of Encampment Sweeps on People Experiencing Homelessness*, NAT'L HEALTH CARE FOR THE HOMELESS COUNCIL (Dec. 2022), [NHCHC-encampment-sweeps-issue-brief-12-22.pdf](https://www.nhchc.org/encampment-sweeps-issue-brief-12-22.pdf) (summarizing many harmful impacts of sweeps on unhoused people); Qi, D., Abri, K., Mukherjee, M.R. et al., *Health Impact of Street Sweeps from the Perspective of Healthcare Providers*, 37 J. GEN. INTERN. MED. 3707, 3707–3714 (2022).

60. See Robbie Sequeira, *Many More U.S. Cities Ban Sleeping Outside Despite a Lack of Shelter Space*, N.J. MONITOR (Jan. 25, 2025, 6:43 AM), <https://newjerseymonitor.com/2025/01/27/many-more-u-s-cities-ban-sleeping-outside-despite-a-lack-of-shelter-space/> (reporting 150 new laws with another 40 pending within 6 months of the decision).

61. *Tennessee is About to Become the 1st State to Make Camping on Public Land a Felony*, NAT'L PUB. RADIO (May 26, 2022), <https://www.npr.org/2022/05/26/1101434831/public-camping-felony-tennessee-homeless-seek-refuge>

62. See *Kentucky GOP's New Bill Decriminalizes Use of Deadly Force Against the Unhoused*, THE LEXINGTON TIMES (Jan. 18, 2024), <https://lexingtonky.news/2024/01/18/kentucky-gops-new-bill-decriminalizes-use-of-deadly-force-against-the-unhoused/>.

63. Marisa Kendall, *California City Makes 'Aiding' or 'Abetting' a Homeless Camp Illegal*, CALMATTERS (Feb. 12, 2025), <https://calmatters.org/housing/homelessness/2025/02/fremont-camping-ban-ordinance-folo/>.

64. See, e.g., Angela Davis, quoted in *11 Essential Books by Angela Davis*, OPRAH DAILY (Oct. 16, 2020), <https://www.oprahdaily.com/entertainment/books/g32803115/angela-davis-books/> (attributing this quote to a 2014 lecture at Southern Illinois University).

Earlier in my remarks, I said the law is not always about justice. But it can be. Hold this possibility dear, and do not let go.

A Response to Executive Order 14321

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On Wednesday, July 24, 2025, President Trump signed Executive Order 14321, “Ending Crime and Disorder on America’s Streets.”¹ To justify its necessity, he implies that crime rates have increased, and “[e]ndemic vagrancy, disorderly behavior, sudden confrontations, and violent attacks have made our cities unsafe.”² However, a *Crime Trends Report*, issued in July 2025 by the Council on Criminal Justice,³ provided evidence that this is not entirely true.⁴ By interpreting the report, it could be argued that crime levels have decreased.⁵ The report indexes “monthly, half-year, and yearly rates of reported crime for 13 violent, property, and drug offenses in 42 American cities that have consistently reported monthly data over the past six years.” The Council shares “[r]eported levels of 11 of the 13 offenses covered in this report were lower in the first half of 2025 than in the first half of 2024; domestic violence was the only offense that rose during this period, and drug offenses remained even.”⁶

Comparing violent offenses from the first six months of 2024 and 2025, the Council states:

The rate of homicides in the 30 study cities providing data for that crime was 17% lower, representing 327 fewer homicides. There were 10% fewer reported aggravated

1. Exec. Order No. 14,321, 90 Fed. Reg. 35817, 35820 (July 24, 2025).

2. *See id.*

3. *See* ERNESTO LOPEZ AND BOBBY BOXERMAN, COUNCIL ON CRIM. JUST., CRIME TRENDS IN U.S. CITIES: MID-YEAR 2025 UPDATE (2025), <https://counciloncj.org/Crime-Trends-in-U-S-Cities-Mid-Year-2025-Update/>.

4. *See id.*

5. *See id.*

6. *Id.*

assaults, 21% fewer gun assaults, 10% fewer sexual assaults, and 3% more domestic violence incidents. Robbery fell by 20%, while carjackings (a type of robbery) decreased by 24%.⁷

Moreover, “[r]eports of residential burglaries (-19%), non-residential burglaries (-18%), larcenies (-12%), and shoplifting (-12%) all fell in the first six months of 2025 compared to the first part of 2024, while drug offenses remained even.”⁸

From a longitudinal perspective, the data suggest that, overall, America is becoming safer. For instance, the Council notes “[t]here were 14% fewer homicides in the study cities in the first half of 2025 than in the first half of 2019. Similarly, reported aggravated assault (-5%), gun assaults (-4%), sexual assault (-28%), domestic violence (-8%), robbery (-30%), and carjacking (-3%) were lower in 2025.”⁹

The Bureau of Justice Statistics corroborated these findings, showing a historic decline in violent crimes since 1955. Finally, the Brennan Center for Justice who publishes an analysis of the Federal Bureau of Investigation’s latest report on crime trends¹⁰ found, “[t]he national murder rate saw a historic drop from 2022 to 2023 and is down by around 16 percent from its 2020 peak.”¹¹

Thus, President Trump offers no evidence to substantiate the claim that America is reeling from “[e]ndemic vagrancy, disorderly behavior, sudden confrontations, and violent attacks [that] have made our cities unsafe.”¹² What he has done, however, is employ the trope that characterizes people experiencing homelessness as dangerous, unruly, undesirables who cannot help themselves and need to be put away for their safety and the safety of others. According to the R Street Institute¹³, law enforcement agencies often do not track or report homelessness data,

7. *Id.*

8. *Id.*

9. *Id.*

10. *U.S. Crime Rates and Trends — Analysis of FBI Crime Statistics*, BRENNAN CTR. FOR JUST., <https://www.brennancenter.org/our-work/research-reports/us-crime-rates-and-trends-analysis-fbi-crime-statistics> (last updated Oct. 29, 2025).

11. *Id.*

12. Exec. Order No. 14,321, 90 Fed. Reg. 35817, 35817 (July 24, 2025).

13. Lisel Petis, *The Crime and Safety Blindspot: Do Homeless Populations Pose an Increased Risk to Public Safety?*, R ST. INST. (July 9, 2024), <https://www.rstreet.org/commentary/the-crime-and-safety-blindspot-do-homeless-populations-pose-an-increased-risk-to-public-safety/>.

which makes it difficult to substantiate large-scale generalizations about the correlation between crime and our unhoused neighbors. Fortunately, however, there are a few studies that provide some insight into this issue. Overall, research suggests we live in a very different reality from the one President Trump is using to incite fear and alarm his constituents.¹⁴ R Street Institute cites 2022 data from the San Diego County District Attorney’s Office and a survey of homeless women completed in Los Angeles. Both surveys¹⁵ reveal the high rates of victimization among our unhoused neighbors.¹⁶ For instance, the San Diego District Attorney’s Office data “shows homeless individuals face murder 19 times more often, attempted murder 27 times more often, assault 12 times more often, and sexual assault nine times more often” than people who have safe, stable housing.¹⁷

Another study, *Property Crime and the Social Control of Homelessness*¹⁸ from Seattle Pacific University, provides insight into whether the presence of tent encampments is related to incidents of property crime at nearby dwellings. Interestingly, they found that property crime in Seattle was not increasing. The study revealed a “near zero or negative relationship between dwellings and crime,” despite the increasing number of people experiencing homelessness in the city. Their study engages the narrative framework that the Trump Administration and its supporters employ to justify social controls and sanctions that further victimize people who do not have a clean, safe, stable, and affordable place to live. In short, they argue that the “[n]arrative conflating visible homelessness with property crime [in Seattle] may be unwarranted.” While this study is limited to one city, it reveals how local communities, Continuums of Care, and/or state governments can resist the misleading narrative that stereotypes unhoused residents as dangerous people rampantly committing violent and property crimes across the United States.¹⁹

The Executive Order also demonizes our unhoused neighbors by characterizing the majority of them as chronic drug abusers who do not seek and do not want help by stating “[t]he overwhelming majority of these individuals are addicted to drugs, have a mental health condition,

14. *Id.*

15. *Id.*

16. *Id.*

17. *Id.*

18. Chuck Lanfear, Lindsey Beach, and Karen Snedker, *Property Crime and the Social Control of Homelessness*, CTR. FOR SOC. INVESTIGATION, SEATTLE PAC. U. (Jan. 12, 2022), https://clanfear.github.io/CampsPolicing/presentations/nuffield_22/slides.html#1.

19. See Exec. Order No. 14,321, 90 Fed. Reg. 35817, 35817 (July 24, 2025).

or both. Nearly two-thirds of homeless individuals report having regularly used hard drugs like methamphetamines, cocaine, or opioids in their lifetimes. An equally large share of homeless individuals reported suffering from mental health conditions.”²⁰ President Trump is likely referring to the results of a recent study by the University of California San Francisco (“UCLA-SF”) published on February 19, 2025, in the *Journal of the American Medical Association*²¹. However, the research challenges the propaganda of the Trump Administration. The UCLA-SF findings are based on the largest representative survey study on illicit drug use by people experiencing homelessness (n = 3200) since the 1990s. In it, the researchers share that in the past 6 months, 37.1% of participants reported regular drug use.²² That means 62.9%, a significant majority, reported that they had not regularly used drugs in the last six months.²³ This study, like others, presents a nuanced perspective that honors the complex intersectionality of people who experience homelessness.²⁴ While people who live unhoused do have higher rates of drug use and mental health disorders than the general population, studies correlating mental health, drug addiction, and homelessness have consistently shown that homelessness often contributes to the onset of or exacerbates these issues.²⁵

Instead of providing greater access to clean, safe, adequate, and affordable permanent housing, which we know contributes to improved health, the Administration is choosing to punish people who are already suffering.²⁶ Fines, incarceration, forced relocation, and involuntary commitment will only increase their barriers to success.²⁷ Why spend money

20. *Id.*

21. Ryan D. Assaf et al., *Illicit Substance Use and Treatment Access Among Adults Experiencing Homelessness*, 333 *JAMA* 1222, 1223-26 (2025), <https://jamanetwork.com/journals/jama/fullarticle/2830616>.

22. *Id.*

23. *See generally id.* at 1227.

24. *Id.*

25. Deborah K. Padgett, *Homelessness, Housing Instability and Mental Health: Making the Connections*, 44 *BJPSYCH BULL.* 197, 197 (2020), <https://www.cambridge.org/core/journals/bjpsych-bulletin/article/homelessness-housing-instability-and-mental-health-making-the-connections/9F3CE592DBF5909AF29330FCCE5BD4C4>.

26. NABIHAH MAQBOOL, JANET VIVEIROS AND MINDY AULT, *CTR. FOR HOUS. POL’Y, THE IMPACTS OF AFFORDABLE HOUSING ON HEALTH: A RESEARCH SUMMARY* (2025), <https://nhc.org/wp-content/uploads/2017/03/The-Impacts-of-Affordable-Housing-on-Health-A-Research-Summary.pdf>.

27. NICOLE DUBOIS, CLAIRE HEBERT, AND E. MAE SOWARDS, *NAT’L ALL. TO END HOMELESSNESS, CRIMINALIZING HOMELESSNESS WORSENS THE CRISIS, RESEARCH SHOWS* 3–6

on harmful temporary solutions that are neither as effective nor as financially efficient as the Housing First model?²⁸ Is it simply disdain for the poorest among us? Or is the Administration using smoke and mirrors to deflect our attention away from the real causes of homelessness – skyrocketing rent, the shrinking availability of deeply affordable housing, poverty-level federal minimum wage, high-barrier rental requirements, a fractured, high-barrier medical system, and discriminatory financial practices that date back to the inception of this country?

Our unhoused neighbors and those who provide care to these individuals need long-term solutions that work to end the traumatic cycle of homelessness and help people rebuild their lives. We need federal, state, and local governments to pass housing wage²⁹ legislation and reject all laws and ordinances that criminalize poverty, mental illness, and/or homelessness. We need affordable housing and a commitment to support private property owners as they renovate, repair, and manage homes that could be rented to people currently living on the streets. We need a more robust, low-barrier, human-centered coordinated entry process grounded in trauma-informed practices that meet the needs of people who spend their days fighting to survive in a county that has labeled them *persona non grata*. We need more funding for local communities to recruit and train peer specialists and response teams whose priorities are to care, listen, and connect people living without homes to the resources they need. We need to expand Permanent Supportive Housing and Rapid Re-Housing programs. We need to expand Medicaid and Medicare so that the programs cover more supportive services that lead to better health and housing outcomes. We need to listen to the people who are navigating these systems in an increasingly hostile environment.

In the report *Housing and Homelessness in the United States*,³⁰ submitted to the United Nations Human Rights Council in April 2025,

(2015), https://endhomelessness.org/wp-content/uploads/2025/02/CriminalizingWorsens-TheCrisis_NAEH_2-4-25.pdf

28. *See id.* at 1.

29. *See generally* ESTHER COLON-BERMEDEZ, DAN EMMANUEL, RAQUEL HARATI AND KATIE RENZI, NAT'L LOW INCOME HOUS. COAL., *OUT OF REACH: THE HIGH COST OF HOUSING* (2025), https://nlihc.org/sites/default/files/oor/2025_OOR_FullReport.pdf (describing the housing wage movement as activism surrounding “the growing gap between income and the cost of rent” in the United States and reporting “how low pay makes it impossible for low-wage workers and people living on a fixed income to reasonably afford a safe, quality place to call home.”).

30. Tamar Ezer, Abigail Wettstein, Katirina Delviscio, Wilmy Dessalines, Tiana Rose Montague, Nicholas Tricarico, Eric Tars, and Siya Hegde, *Housing and Homelessness in the*

researchers from the University of Miami School of Law Human Rights Clinic and the National Homelessness Law Center provide a more comprehensive perspective on the brutality and ineffectiveness of our nation's approach to end homelessness. They write:

At the core, homelessness stems from a failure to realize the fundamental human right to adequate housing. The U.N. Committee on Economic, Social and Cultural Rights (CESCR) explains that the right to adequate housing is not merely a right to shelter. Rather, it requires housing that fulfills seven dimensions: Accessibility, Affordability, Legal Security of Tenure, Habitability, Availability of Services, Location, and Cultural Adequacy. The U.S. falls short in each of these dimensions.³¹

How can we boast of being great while trampling upon those who are already suffering? “Ending Crime and Disorder on America’s Streets” calls on state and local governments to prey upon the weak by “[s]hifting homeless individuals into long-term institutional settings,”³² which means:

1. Increased surveillance in a free society,
2. Increased profiling and harassment of vulnerable people,
3. Increased involuntary commitments to mental health and carceral facilities,
4. Increased likelihood of dangerous, even violent, encounters with law enforcement,
5. Increased barriers to permanent housing due to fines and criminal records,
6. Decreased ability of people experiencing homelessness to exercise agency and self-determination, and
7. Decreased funding for Housing First and harm-reduction programs.

The order also indicates the federal government's intention to store and use Personally Identifiable Information (PII) to track and control the people caught in this dragnet policy.³³ I would call this a nightmare, but that term is much too mild. How long will it take for them to

United States, NAT'L HOMELESSNESS L. CTR. (Apr. 7, 2025), <https://homelesslaw.org/wp-content/uploads/2025/04/USUNreport2025.pdf>.

31. *Id.* at 8.

32. Exec. Order No. 14,321, 90 Fed. Reg. 35817 (July 24, 2025).

33. *See generally id.* at 35819.

cast the net again, to identify the next group of undesirables to catch, flay, and devour?

Executive orders signal the kinds of laws our federal government intends to pass. They also signal the initiatives the federal government will fund. So, what can we do?

1. Continue educating ourselves and our communities by:
 - a. talking to and making authentic connections with unhoused people,
 - b. reading the information linked in this essay,
 - c. volunteering at an organization working to end homelessness,
 - d. hosting documentary parties – watch films and discuss them, and
 - e. hosting book clubs or dialogue groups to learn about and discuss root causes of homelessness,

2. Join local, state, and national organizations that are actively resisting executive Orders, bills, laws, and ordinances, such as:
 - a. the North Carolina Coalition to End Homelessness (“NCCEH”),³⁴
 - b. the North Carolina Housing Coalition,³⁵
 - c. the National Alliance to End Homelessness,³⁶
 - d. the National Coalition for the Homeless,³⁷ and
 - e. the National Low Income Housing Coalition,³⁸

3. Use our voices by:
 - a. speaking out at Town Halls,
 - b. writing editorials or blogs,
 - c. starting conversations on social media,
 - d. testifying at legislative hearings, and
 - e. writing or calling our representatives,

4. Financially support organizations like NCCEH that are committed to Housing First.

34. *N.C. Local Leadership Response*, N.C. COAL. TO END HOMELESSNESS, <https://ncceh.org/local-leadership-response/> (last visited Sept. 5, 2025).

35. N.C. HOUS. COALITION, <https://nchousing.org/policy-advocacy/> (last visited Aug. 28, 2025).

36. NAT’L ALL. TO END HOMELESSNESS, <https://endhomelessness.org/about-us/policy/> (last visited Aug. 28, 2025).

37. NAT’L COAL. FOR THE HOMELESSNESS, <https://nationalhomeless.org/> (last visited Aug. 28, 2025).

38. NAT’L LOW INCOME HOUS. COAL., <https://nlihc.org/> (last visited Aug. 28, 2025).

Now more than ever, we need a compassionate, justice-oriented community to rally around and walk in solidarity with our neighbors experiencing homelessness. This evening, I'll unlock a door and step into a place where I feel safe, hopeful, whole, peaceful, and cared for. A place where I can rest and enjoy time with my family. Home – a human right that everyone should have. Let's keep fighting until we all do.

Sealing the Record, Securing the Future: Fighting for Eviction Sealing Legislation in South Carolina

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On February 28, 2025, The North Carolina Civil Rights Law Review hosted a Conference entitled Conference on Race, Class, Gender, and Identity: Grants Pass, Homelessness, and Housing Justice. Kenni Cummings, Executive Director of the South Carolina Tenant Union, delivered the presentation transcription below, in tandem with their piece Sealing the Record, Securing the Future: Fighting for Eviction Sealing Legislation in South Carolina. The transcription and piece have been edited together for consistency and cohesion. It was an honor to host Kenni Cummings, and The North Carolina Civil Rights Law Review is excited to publish this writing based on their engaging presentation and thought-provoking work.

My primary work is organizing tenants in their buildings, trying to get maintenance requests fixed and rent stabilized. I also organize tenants on a much larger scale, so that we have different policies that protect them on the state level. The South Carolina Tenant Union was established in 2020.¹ In South Carolina, tenants live under one of the harshest eviction systems in the country.² Like North Carolina, South Carolina does not have very many tenant protections.³ In 2021, the organization received a \$200,000 grant. I was asked to join on as a staff organizer but was unable to take the position due to my own housing insecurity. I stayed in relationship with the South Carolina Tenant Union, and at the same time, my friend got a position with the organization. My friend

1. *About*, S.C. TENANT UNION, <https://www.schjn.com/new-page> (last visited May 12, 2026).

2. *South Carolina Has One of the Highest Eviction Rates in the Country, and Renters Face Evictions Without Legal Representation*, AM. C.L. UNION S.C. (Apr. 3, 2023, 3:15 PM), <https://www.aclusc.org/press-releases/south-carolina-has-one-highest-eviction-rates-country-and-renters-face-evictions/>; see N. Edwards Coulson et al., Tenants Rights, Evictions, and Rent Affordability, 147 J. OF URB. ECON., May 11, 2025, at 8.

3. *State and Local Tenant Protections Database*, NAT'L LOW INCOME HOUS. COAL., <https://nlihc.org/tenant-protections> (last updated Mar. 30, 2026).

communicated to me that there was no clear supervisor, so I decided to help my friend out. Through this, I was able to work my way up through the ranks of the organization, ultimately finding my role as the Executive Director.

We have to analyze the problems associated with housing and understand the environment and landscape that we are in. Firstly, I would like to be explicit about what organizing means, because many people here are going to become lawyers and I want to make sure we are all on the same page. Someone can approach the work that they are doing as an organizer and still be a very good lawyer. When I talk about organizing, I am talking about bringing people together to address their collective concerns. The methodology employed here is called Structure Based Organizing.⁴ The goal is to figure out what the problem is, create a list of demands, and go after those imposing the problems ferociously. Being a community organizer in the U.S. South is incredibly challenging as far as partnerships and relationships go.

I want to take you through a one-on-one organizing technique I use. When I am having a conversation with someone, I want to know what makes them angry. In South Carolina, a lot of people are angry because they want all children to succeed. I ask, “so what are your hopes,” and in this case, for children. I want them to tell me all the beautiful things they want for the kids. I pull that anger and hope together to ask “so what are you going to do? Because there is an eviction crisis in South Carolina and children are the biggest victims.” When you are able to reflect these steps back to people, they move.

One of the main reasons this country lacks sustainable housing policy is that society as a whole struggles with relationship building. That is why I focus so much on it. For example, I have built relationships with my co-panelists today, and I can build on their wisdom and shared resources. Relationship maintenance also helped the South Carolina Tenant Union make actionable legislative change during the 2025 cycle. We maintained our relationships with partners in policy spaces, like the ACLU for example, and overtime they were able to see that we were not just some “cute” organization, we were really forming a powerhouse for tenant justice. We were able to build a statewide network of direct service organizations, called the South Carolina Tenant Coalition. The policy

4. *The Momentum Model: A Living Model for Hybrid Organizing*, MOMENTUM, <https://www.momentumcommunity.org/momentum-model> (last visited May 12, 2026).

folks have been able to create draft legislation that could seal the evictions of people in South Carolina. We are able to take that draft back to the Union and give constructive feedback from the people who are directly impacted by being houseless. Our direct service providers do not do advocacy, but they provide us with stories of people they service in the community.

So many of us are in our own silos doing individual work, and that often slows progression towards widespread viable solutions. For lawyers, they must be very mindful about making connections but do so with their profession in mind. Thus, lawyers must approach organizing in a way that brings other people along.

South Carolina has one of the highest eviction filing rates, and many tenants go to court with little to no understanding of the law.⁵ This phenomenon is not connected to COVID; these numbers were high before the pandemic and continued to be high after.⁶ Entire communities have become locked out of stable housing because of a single eviction on their record.⁷ From Greenville to Charleston, families struggle under a system that treats housing as a privilege instead of a human right. In many areas of Charleston, land is zoned for single family housing⁸. For the last three years in Charleston, there has been a 30% increase on the rent for most of the people living in the city. In addition, there is no rent cap.⁹ In many cases, people are just trying to figure out how to manage that.

This crisis isn't unique to South Carolina.¹⁰ This trend mirrors what is happening across the Southern United States.¹¹ Tenant protections

5. *National Eviction Map*, EVICTION LAB, <https://evictionlab.org/map/?m=mod-eled&c=p&b=efr&s=all&r=states&y=2018&z=2.38&lat=33.43&lon=-101.06&lang=en> (last visited May 12, 2026).

6. *See Id.*

7. Kenni Cummings, *Breaking Free from the Scarlet "E": Why SC Needs Eviction Record Sealing*, S. VISION ALL. (Aug. 28, 2025), <https://southernvision.org/breaking-free-from-the-scarlet-e-why-sc-needs-eviction-record-sealing/>.

8. *Interactive Zoning Map*, CITY OF CHARLESTON, <https://gis.charleston-sc.gov/interactive/zoning/> (last visited May 12, 2026).

9. Dorothy Neufeld, *Mapped: How Much Rent Has Risen in 30 Major U.S. Cities Since 2020*, VISUAL CAPITALIST (Mar. 20, 2026), <https://www.visualcapitalist.com/ranked-where-rent-is-rising-fastest-in-america-2020-2026/>; *Landlord and Tenant Law in SC*, S.C. APPLESEED LEGAL JUST. CTR., <https://www.scjustice.org/wp-content/uploads/2019/07/landlord-and-tenant-law-in-sc.pdf> (last visited May 12, 2026).

10. Nachele Jackson, U.S. BUREAU OF LAB. STATS., *CPI Rent Regional Trends and the Impact of the COVID-19 Pandemic* (2026), <https://www.bls.gov/opub/mlr/2026/article/cpi-rent-regional-trends-and-the-impact-of-the-covid-19-pandemic.htm>.

11. *Id.*

are weak, rents rise faster than wages, and housing instability disproportionately impacts Black, working-class, and low-income families.¹² In neighboring North Carolina, tenants face many of the same obstacles: high eviction filing rates, limited legal options, and lasting harm from public eviction records.¹³ These shared truths reflect a system that prioritizes profit over people.

Eviction filings often do not tell the whole story. There are so many reasons why evictions are filed against tenants.¹⁴ Evictions could be prompted by delayed repairs or as a retaliatory action against the tenant.¹⁵ Even when tenants prove their case, or the filings are dismissed, the eviction is permanently on their public record.¹⁶

South Carolina has no formal or standard process to seal evictions.¹⁷ A single filing can lead landlords or screening companies to deny someone housing, which traps families in a cycle of perpetual displacement.¹⁸ We have thousands of people living with either their family or friends, in their car, or in hotels because eviction filings are preventing them from getting into secure housing.¹⁹ This burden overwhelmingly lands on Black renters, single mothers, and low-income families.²⁰ This phenomenon occurs not only in South Carolina, but across the entire Southern United States.²¹ As we think about houselessness, we need to

12. Daniel Soucy, Andrew Hall, and Joy Moses, *State of Homelessness: 2025 Edition*, NAT'L ALL. TO END HOMELESSNESS (Sept. 4, 2025), <https://endhomelessness.org/state-of-homelessness/>.

13. Kelly Kenoyer, *Evictions Have Risen to Their Highest Rate in 13 Years. Housing Costs are Likely to Blame*, WHQR PUB. MEDIA (Dec. 22, 2025, 6:30 AM), <https://www.whqr.org/local/2025-12-19/evictions-have-risen-to-their-highest-rate-in-13-years-housing-costs-are-likely-to-blame>; see generally *Landlord/Tenant Issues*, N.C. JUD. BRANCH, <https://www.nccourts.gov/help-topics/housing/landlordtenant-issues> (last visited May 12, 2026).

14. *4 Valid Reasons a Landlord can Evict a Tenant*, LEGALSHIELD (Mar. 7, 2022), <https://www.legalshield.com/blog/four-reasons-evict-tenant>.

15. *Id.*

16. *Removing Housing Barriers Through Record Relief*, NAT'L CTR. FOR STATE CTS. (Dec. 8, 2025), <https://www.ncsc.org/resources-courts/removing-housing-barriers-through-record-relief>.

17. *Sealing Eviction Records (H. 4270)*, AM. C.L. UNION S.C., <https://www.aclusc.org/legislation/sealing-eviction-records-h-4270/> (last updated Mar. 27, 2025).

18. *Id.* (“The unfortunate reality today is that, if a person has an eviction filing on their record, many landlords will not even consider a rental application from a tenant.”)

19. See Cummings, *supra* note 7.

20. *Id.* (“Eviction filings hit Black tenants, single mothers, and working-class families hardest. For them, eviction records are another layer of punishment stacked on generations of housing discrimination.”)

21. See EVICTION LAB, *supra* note 5.

think about who we are in relationships with, and who we are listening to. I have relationships with people who are houseless, and I myself have been houseless at a point. It is a different orientation to doing this organizing when homelessness is at the forefront, and those impacted by it are the voices you are listening to.

Our push for eviction sealing legislation is guided by a simple principle: no one should be permanently punished for an eviction filing.²² We are calling for reforms that would seal eviction filings when tenants prevail on their case or settle. Moreover, we are looking for legislation that would automatically seal older records after a defined period and restrict third-party screening companies from profiting off outdated eviction histories.

The power and motivation behind this campaign comes from those who have lived this unjust experience. At the South Carolina Tenant Union, impacted tenants are not just part of the conversation—they control the narrative. I think that those who are most affected by current eviction laws tend not to be in the room when policy decisions are made. In many cases, these voices do not have a relationship with the legislative body or are ignored by individuals who have the capacity to do something about their concerns. In order to address this deficiency, we have tenant leaders give their testimony to the legislature and meet directly with lawmakers to share their deeply personal stories.²³ We have seen that the people impacted by these problems are often the one closest to finding the solution. Tenant leaders also organize on the ground to create a community favoring eviction reform.²⁴ Their experience shapes our strategy and gives our demands real grounding.

With this in mind, it is imperative to recognize that meaningful policy change takes more than personal stories. In order to address this, we have built broad coalitions, working hand-in-hand with Legal Aid lawyers, housing policy researchers, faith leaders, and community allies to stimulate change. There has to be real conversations about the cost of

22. See Cummings, *supra* note 7. (“The bill makes eviction records fairer, more accurate, and less punishing. It recognizes that tenants are more than a piece of paper in the public index—and that every South Carolinian deserves a second chance at stable housing.”)

23. *Grassroots Lobby Day for Eviction Record Sealing H.4270 & S.983*, S.C. TENANT UNION (Mar. 25, 2026), <https://www.sctenantunion.org/events/grassroots-lobby-day-march2026> (“The Grassroots Lobby Day will bring tenants, caregivers, workers, elders, and families together to meet directly with lawmakers, share our stories, and press for a subcommittee hearing on S983 & full committee hearing for H4270.”).

24. See *id.*

living and rent prices. Together, we are drafting policy that is both practical and rooted in tenants' lived experience. When grassroots power meets legal expertise, lawmakers cannot look away. Unfortunately, a lot of these legal experts are losing funding for their very important work.

I just want to touch on faith-based housing for a second. Let me just say, denominations know how to do housing. I grew up in the Methodist church and for their pastors, they have a housing parsonage. If that specific church cannot get a parsonage, then they have housing allowances. There is a history in this space, and it should be explored. Something I am excited about with the Coalition I mentioned earlier is that 3 of our major cities in South Carolina have interfaith justice-focused groups. They are going to be signing on to support the eviction sealing legislation. Moreover, faith-communities help with temporary and transitional houses that are run out of churches and other worship centers. I am working with some churches in the Charleston area to build relationships with them so they can sign on to a year-long commitment to walk with my organization.

Legislation reform is not easy. Moving forward, we are going to need more people to commit to doing housing reform. Corporate landlords with hefty pockets and misconceptions about eviction sealings are obstacles.²⁵ Some of these entities argue that eviction reform would allow “bad tenants” to get off the hook for their prior records.²⁶ The truth is eviction filings often only show just a snapshot of a particular moment, and they hurt those already facing the greatest barriers.²⁷ We have learned how important it is to support tenants' stories with factual data. We have made efforts to connect legislators directly with impacted people, and frame eviction sealing as a civil rights and economic justice issue.²⁸ In several ways, the capitalist society we are living in is a hellscape for many people.

Again, this fight is not just happening in South Carolina.²⁹ Tenant organizing, legal advocacy, and policy reform efforts are growing across the South—from North Carolina, to Georgia, to Alabama. The North

25. Robbie Sequeira, *Landlords Cry Foul as More States Seal Eviction Records*, STAELINE (Aug. 21, 2024, 5:00 AM), <https://stateline.org/2024/08/21/landlords-cry-foul-as-more-states-seal-eviction-records/>.

26. *Id.*

27. See Cummings, *supra* note 7.

28. See S.C. TENANT UNION, *supra* note 23.

29. See Jackson, *supra* note 10.

Carolina Tenant Union is forming advocacy groups throughout the state.³⁰ It is a fight being taken on throughout the nation.³¹ These shared struggles and subsequent solutions strengthen our resolve and strategies for organizing.³²

Eviction sealing would not solve every facet of the housing crisis.³³ It is one step in a long process. We will still need increased tenant protections, and policies to stop displacement in its tracks. But sealing eviction records would remove one of the most punitive barriers that families face and create a path towards rebuilding and stabilization.³⁴

Our work is about more than organizing and passing legislation; it is about shifting power to tenants. When impacted individuals come together and claim space, their demands for justice do more than change the law—they reshape what is possible. That is at the core of this work: building a South where one eviction filing cannot define your future. We are looking for housing to be treated as a human right.

30. *See About*, N.C. TENANTS UNION, <https://nctenantsunion.org/about-us/#members> (last visited May 12, 2026)

31. *See* Derek Seidman, *Rising Tenant-Led Movement Aims to Bring Down Corporate Landlords*, TRUTHOUT (Sept. 13, 2025), <https://truthout.org/articles/rising-tenant-led-movement-aims-to-bring-down-corporate-landlords/>.

32. *Id.*

33. Jaboa Lake and Leni Tupper, *Eviction Record Expungement Can Remove Barriers to Stable Housing*, CTR. FOR AM. PROGRESS (Sept. 20, 2021), <https://www.americanprogress.org/article/eviction-record-expungement-can-remove-barriers-stable-housing/> (“Eviction record sealing, in combination with additional tenant protections and reforms, would greatly improve access to safe and affordable housing, especially for the people most often forced to the margins of society.”).

34. *See* Cummings, *supra* note 7.