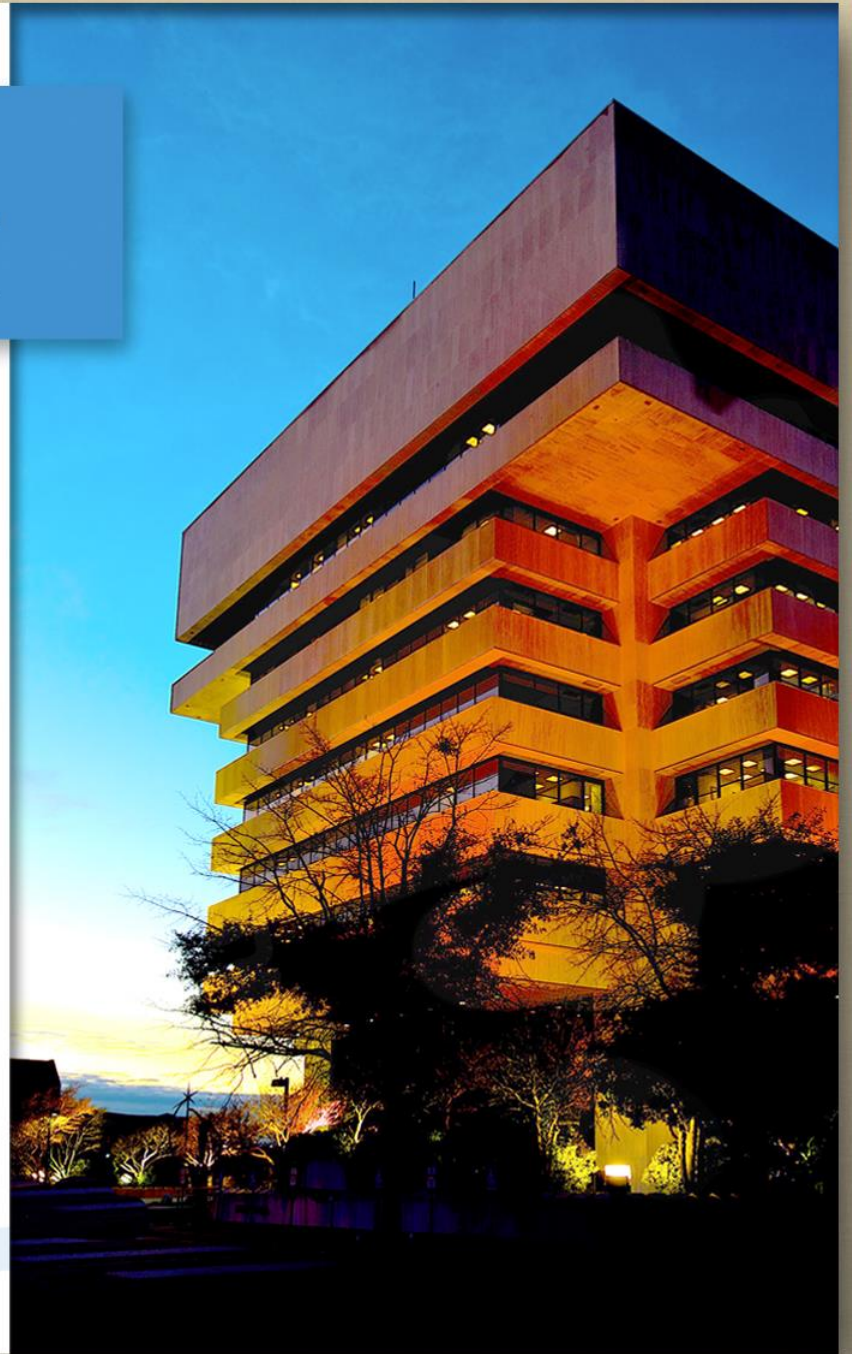


HAMPTON VA

Camping and Storage on Public Property

**City Council
Work Session**

May 14, 2025



Agenda

- U.S. Supreme Court case *Johnson v. Grants Pass*.
- Proposed Ordinance Prohibiting Camping and Storage on Public Property.

Johnson v. Grants Pass

- Two homeless individuals, representing a class of “all involuntarily homeless people” living in Grants Pass, Oregon challenged three ordinances as violating the Eighth Amendment’s Cruel and Unusual Punishment Clause.
- The laws prohibited sleeping, camping, and overnight parking on public property.
- 2022: Ninth Circuit ruled the City’s ordinances unconstitutional.


Johnson v. Grants Pass

- Last year, the Supreme Court overturned the Ninth Circuit and found that the Eighth Amendment does not touch upon the question of whether a government may criminalize a particular behavior.
- The Supreme Court also held that because the anti-camping laws at issue criminalized actions that could be undertaken by any person, previous caselaw relied on by the Ninth Circuit did not apply.

Johnson v. Grants Pass

- The Supreme Court stressed that questions about whether an individual who has intentionally committed a prohibited act should be relieved of responsibility due to lack of “moral culpability” are generally best resolved by the people and their elected representatives, not the judiciary.

Grants Pass Takeaways

- Enforcement of anti-camping laws is not prohibited by the Eighth Amendment.
 - This provides an additional tool for localities to impose rules and a means of encouraging other outreach programs and services.
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Proposed Ordinance

- Prohibits anyone from camping, laying or sleeping, or storing items on public property.
- *Camp* is defined as “to reside or sleep on public property with or without the use of tents, temporary shelters, vehicles or equivalents, or as evidenced by the use of beds, blankets, cots, hammocks, mattresses, sleeping bags, tarpaulins or equivalents, or cooking tools or fire.”
 - Exception for authorized use, including use of public beaches during the hours that they are open to the public.
- *Public Property* is defined to mean “any and all property in which the City of Hampton, or another governmental entity, has a property interest” – would also apply to schools, EDA, HRHA, etc.

Proposed Ordinance

- *Store* is defined to mean “accumulating, keeping, leaving, or maintaining personal property for camping on public property for future use or safekeeping.”
 - Exception for authorized storage of personal property on a governmental entity’s public property, or unoccupied vehicles lawfully parked on a public street.

Proposed Ordinance

- Property which is stored on public property in violation of this section, and which is also unattended, may be immediately seized by City staff or contractors. Such property shall be stored by the City for 30 days.
- Individuals may contact the City to determine if an item of theirs is being temporarily stored by the City.
- Items that staff determine to be trash, garbage, debris, unsanitary or hazardous, including any weapons, may be disposed of immediately.

Proposed Ordinance

- Violation is a Class 1 misdemeanor, punishable by up to a year in jail or up to a \$2,500 fine.
- Prior to charging any person under this section, such person shall be given a verbal warning to cease such activity and reasonable time to comply with such warning, as well as information on alternative accommodations such as available homeless shelters or hotels, and public and charitable programs that offer housing assistance.

Conclusion / Questions

