

Date	Start	End	Author	Title	Abstract and Questions
4/8	3:15 PM	3:27 PM	Behn, Timothy J	The Growing Tension between the Criminalization of Homelessness and the Absence of Any Constitutional Obligation to Provide Shelter	<p>This paper examines the growing tension between the criminalization of homelessness and the absence of any constitutional obligation to provide shelter. It traces the development of Eighth Amendment doctrine from <i>Robinson v. California</i> through <i>Powell v. Texas</i> and <i>Martin v. City of Boise</i>, culminating in the Supreme Court's decision in <i>City of Grants Pass v. Johnson</i>, which rejected limits on punishing conduct associated with homelessness even when no shelter is available. As a result, current federal law permits governments to criminalize basic survival activities without providing alternatives, creating a system in which individuals may be punished for unavoidable conduct. The paper argues that this gap cannot be resolved through existing doctrines such as the necessity defense or through federal constitutional law, which largely recognizes only negative rights. To address this problem, the paper proposes the creation of a state constitutional right to emergency shelter. Drawing on state constitutional law and education adequacy cases, it argues that a limited, clearly defined right to shelter is both enforceable and institutionally appropriate for courts. Unlike broader proposals for a right to housing, this approach focuses on ensuring that no individual is involuntarily without access to basic shelter. The paper contends that such a right would align enforcement of anti-camping laws with government responsibility, reduce involuntary homelessness, and provide a practical and legally workable solution within existing constitutional frameworks.</p>
					<ol style="list-style-type: none"> 1. Your approach using state constitutional law will be quite interesting and I look forward to the presentation. Is the state law you refer to Florida law? If so, are there other state constitutional law and education access cases that could allow your suggested approach to be implemented more widely? 2. I am also interested in your focus on the right to emergency shelter. As discussed in class, emergency shelters may not be utilized by homeless individuals for a multitude of reasons. Did you choose this approach because it may be more popular, economically feasible, in line with your suggested constitutional argument, or any other reason? 3. For the proposed right to emergency shelter, where would this funding come from? What are the practical applications? 4. Do you think certain parts of the country would be resistant to this proposed right? 5. How would you deal with the risk that some states adopt the state constitutional right to emergency shelter while others do not? Would this create, or enhance, uneven protections for homeless individuals across the country? 6. How would courts or policymakers ensure that the right to emergency shelter remains solely a right to emergency shelter and does not gradually expand beyond that?

Date	Start	End	Author	Title	Abstract and Questions
4/8	3:30 PM	3:42 PM	Karmel, Jake	Encampment Sweeps and the Protection of Property Rights	<p>Every day, cities across the United States send police officers to clear homeless encampments from public spaces. These encampment sweeps routinely result in the destruction of homeless individuals' most essential belongings, such as tents, medications, identification documents, and clothing. Yet cities rarely face legal consequences for doing so. The justification is almost always the same: property left behind during a sweep has been abandoned and therefore has no constitutional protection.</p> <p>This paper argues that justification is wrong and that encampment sweep practices that destroy homeless individuals' personal property violate the United States Constitution in two fundamental ways. First, property left behind because someone was threatened with arrest, physically unable to carry everything, or given no time to retrieve their belongings, is not legally abandoned. Abandonment requires a voluntary decision to give up ownership, and coerced relinquishment does not qualify. Second, destroying someone's personal property without warning and without any meaningful chance to get it back is an unreasonable seizure under the Fourth Amendment and an uncompensated taking under the Fifth.</p> <p>Miami serves as the primary case study throughout this paper, in part because its history of constitutional violations is well documented. However, constitutional violations span far and wide as cities use the abandonment fiction to justify the warrantless destruction of homeless individuals' property. This paper calls on Florida Courts to enforce the state constitution's own search and seizure protections, urges the Eleventh Circuit to follow the Ninth Circuit's lead in <i>Lavan v. City of Los Angeles</i> and extend federal Fourth Amendment protection to homeless' individuals property, and proposes a minimum procedural framework that any city must satisfy before an encampment sweep may constitutionally proceed.</p>
					<ol style="list-style-type: none"> 1. What factors should courts look at to decide whether the person actually chose to give up their property, and how can that standard be applied in a way that is fair to unhoused individuals but still workable for cities conducting encampment sweeps? 2. What remedies or enforcement mechanisms do you envision as most effective in deterring unlawful encampment sweeps, and how might their effectiveness vary in a city like Miami with a well-documented history of litigation in this area? 3. To what extent is the absence of a <i>Lavan v. City of Los Angeles</i>-type ruling in the Eleventh Circuit a function of strategic litigation choices rather than purely doctrinal disagreement, and what would an effective litigation strategy in this circuit actually need to look like?

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4/8	3:45 PM	3:57 PM	Dill,Olivia	Homelessness and Climate Vulnerability	<p>This presentation examines homelessness through the lens of climate vulnerability, arguing that climate change operates as a “force multiplier” that intensifies the risks faced by unhoused populations. As extreme weather events—such as heatwaves, hurricanes, cold snaps, wildfires, and even chemical disasters—become more frequent and severe, individuals experiencing homelessness are disproportionately exposed due to a lack of access to adequate shelter. Despite this heightened vulnerability, government responses often frame unhoused individuals both as victims in need of protection and as public safety risks, particularly when they refuse evacuation or shelter. Notably, local governments threaten involuntary confinement for housed individuals who remain in dangerous conditions, raising questions about unequal treatment and underlying assumptions about rationality and autonomy.</p> <p>The presentation explores the growing use of involuntary civil confinement as a policy response to homelessness during extreme weather events, situating it within broader emergency powers and civil commitment frameworks. Drawing on examples such as New York City’s “Code Blue,” Florida’s post-Hurricane Irma policies, and Miami-Dade’s “Cold Weather Emergency Plan,” it highlights a trend toward expanding state intervention, often justified through mental health or public safety rationale. Ultimately, the presentation questions whether extreme weather should justify involuntary confinement, especially when similar measures are not applied to housed individuals, and considers the practical and ethical implications of refusing shelter.</p>
				Questions:	<ol style="list-style-type: none"> 1. How should policymakers balance individual autonomy with public safety concerns when unhoused individuals refuse shelter during extreme weather? 2. How do you think public policy designed to aid the homeless with climate vulnerability will differ on the east coast versus the west coast due to the vastly differing weather events each coast faces?

Date	Start	End	Author	Title	Abstract and Questions
4/8	4:00 PM	4:12 PM	Rios, Maria F	Homelessness and Immigration Status	<p>This paper will explore how an individual's status as a homeless immigrant poses unique barriers to relief under U.S. immigration laws, and the consequences of recent proposed changes. The classic life cycle of an immigration case flows through the stages of an admissibility determination, deportability determination, and exploring options for relief from removal.</p> <p>This paper will explore each of these stages of the immigration life cycle through the lens of an immigrant facing homelessness in the United States, as defined by a person seeking admission who does not have shelter in the United States or who is housing unstable. The first section, admissibility, will discuss impacts of the Trump administration's proposed changes to the interpretation of 8 U.S.C. §1182(a)(4), which prohibits immigrants from entering the United States if they are deemed a public charge. The second section, deportability, will explore grounds of deportation that are particularly relevant to individuals facing homelessness and how the post-Grants Pass era will alert immigration officers to these individuals more easily. The third section, relief, will discuss typical options for relief in removal proceedings, and how the types of crimes states may charge homeless immigrants with post-Grants Pass can negatively impact an immigrant's relief options.</p>
				Questions:	<p>How might the difficulties in retaining the requisite documents to prove immigration status complicate the deportation determination of those experiencing homelessness?</p> <ol style="list-style-type: none"> 2. What percentage of those experiencing homelessness or are housing unstable are also undocumented? 3. During your discussion of the post-Grants Pass era allowing for immigration officers to identify unhoused individuals more easily, are you also going to discuss the civilian reporting that was discussed in the Cooper-Levy case where a civilian can take a photo of an unhoused person and report their whereabouts? 4. I like the approach for the relief option. I had not considered that many of the petty crimes that the unhoused may be charged with (public camping, loitering, etc.) may negatively impact their immigration processing. 5. Perhaps you can also discuss how undocumented people do not have or maybe have a more difficult time accessing federal benefits such as SNAP or Section 8 vouchers which contributes to housing insecurity. 6. Would you be able to include search/seizure of items for the immigrants and how they may or may not have the same protections as citizens? 7. Maybe you could also include different nonprofits that help with this situation, in your "relief" section. 8. Has policy and enforcement towards homeless immigrants greatly differed between Trump, Biden, and Obama? <p>What are the significant trends</p>

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4/8	4:15 PM	4:27 PM	Kirk, Eliza S	Affordable Housing Policy and Patterns of Displacement, Housing Instability, and the Criminalization of Homelessness	<p>My presentation will examine how affordable housing policy shapes patterns of displacement, housing instability, and ultimately the criminalization of homelessness. Focusing on Miami and Florida as a primary case study, the paper argues that the current framework—characterized by incentive-based development regimes such as the Live Local Act and a zoning structure under Miami 21 that has historically emphasized growth over affordability—produces significant gaps between housing production and actual accessibility. These gaps contribute to displacement in neighborhoods such as Overtown and West Coconut Grove and increase vulnerability to enforcement mechanisms that regulate the use of public space, including policing, fines, and other forms of criminalization. The analysis also considers how the spatial allocation of housing resources—shaped by zoning boundaries, redevelopment districts, and demographic mapping—can obscure community-specific needs and direct benefits away from the populations most vulnerable to displacement.</p> <p>Rather than undertaking a broad comparative survey, the analysis uses targeted comparisons to jurisdictions such as New York and California to highlight alternative approaches, including more direct public investment and stronger affordability controls, and to illustrate where Miami’s model may be limited. The paper situates these differences within a broader inquiry into how statutory design, funding mechanisms, and regulatory incentives shape both housing outcomes and downstream exposure to criminalization.</p> <p>It further considers how housing policy interacts with political narratives about homelessness, suggesting that certain policy frameworks may obscure structural causes of housing instability while reinforcing enforcement-based responses. The presentation ultimately argues that affordable housing policy functions as a critical upstream determinant of homelessness and that meaningful reform requires reorienting legal and policy frameworks toward producing genuinely accessible housing and reducing reliance on punitive regulation.</p>
				Questions:	<ol style="list-style-type: none"> 1. Which specific policy changes would be most effective in improving actual access to affordable housing? 2. How does the gap between building more housing and making that housing actually affordable contribute to homelessness, and what is one policy change that could help close that gap? 3. Could you include how evictions contribute to housing instability? Specifically, a huge part of this is the rent deposit requirement in Florida. 4. It may also be interesting, if you take that route (evictions), to look at different affordable housing options in Florida and their policies (like how easy it is to get evicted). Ex: Low Income Tax Credit, Section 8, etc.

Date	Start	End	Author	Title	Abstract and Questions
4/8	4:30 PM	4:42 PM	Calleyro, Paola	Housing Eligibility and the Production of Homelessness	<p>The presentation examines how the legal architecture governing access to affordable housing in the United States has contributed to the production of homelessness. It traces the historical development of federal public housing and housing assistance programs and situates the current housing crisis within broader structural and legal contexts. The presentation then analyzes how eligibility restrictions, including those tied to immigration status, criminal history, and housing program compliance, systematically exclude the people most at risk of losing stable housing, with particular attention to how these barriers have intensified in the current policy environment under heightened immigration and criminal enforcement.</p> <p>The presentation argues that housing exclusion and homelessness criminalization are not separate problems but linked outcomes of the same policy design. When people are barred from housing assistance and forced into public spaces, they become subject to local laws that criminalize survival-related conduct. This criminalization then generates records and conditions that further disqualify people from housing assistance, completing the cycle. The presentation concludes that breaking this cycle requires rethinking a system that uses the very consequences of housing instability as grounds to deny assistance.</p>
				Questions:	<ol style="list-style-type: none"> 1. How have the eligibility requirements for housing assistance impacted the changes in unhoused demographics? For example, single white men used to be the majority of the unhoused population, but in recent decades we have seen an increase in people of color and even families. 2. What are the motivations by the State to enforce laws and a system that perpetuates housing exclusion? Why are they interested in continuing the cycle? 3. Are you planning to discuss the Eighth Amendment's ban on cruel and unusual punishment during your analysis? 4. If housing exclusion and homelessness criminalization are part of the same reinforcing system, how should policymakers prioritize reform? Should the focus be on expanding access to housing assistance or on decriminalizing survival-related conduct first, and why? 5. What are some concrete policy changes that could break this cycle? Would it be more impactful for them to take place on a federal, state, or local level? 6. To what extent do immigration-related eligibility restrictions discourage immigrant populations from seeking housing assistance?

Date	Start	End	Author	Title	Abstract and Questions
4/8	4:45 PM	4:57 PM	Roy,Diana	Homelessness and Involuntary Commitment for Mental Illness	<p>This paper examines the expanding use of involuntary commitment policies targeting homeless individuals with serious mental illness in California and New York, situating these developments within broader historical and constitutional frameworks. Involuntary commitment has long operated as a contested mechanism balancing state police powers and individual liberty, traditionally justified under standards such as “dangerousness” and “grave disability.”</p> <p>Recently, California and New York have introduced policies that expand pathways to involuntary commitment, including broader interpretations of disability and increased use of assisted outpatient treatment. These state-level reforms emerge alongside growing concerns of a national mental health crisis and indications from the Trump administration to expand the use involuntary commitment for the unhoused. While proponents argue that expanded commitment authority is necessary to reach individuals unable to seek treatment voluntarily, these policies raise concerns about due process, civil liberties, and the risk of coercive overreach.</p> <p>This paper first traces the evolution of involuntary commitment doctrine, emphasizing the constitutional limits imposed by the Fourteenth Amendment and key judicial precedent. It then analyzes legal concerns regarding recent California and New York policies. Finally, the paper evaluates proposed federal approaches during the Trump administration, applying the legal principles derived from state policies to assess their constitutionality and potential impact. By comparing state policies with federal proposals, this paper argues that while expanded commitment may appear to address urgent public health concerns, it raises concerns regarding due process and the appropriate scope of state intervention in the lives of vulnerable populations, all while failing to truly address the issue of homelessness.</p>
				Questions:	<ol style="list-style-type: none"> 1. Do you think expanded involuntary commitment policies may contribute to a lack of institutional trust among unhoused individuals? If so, do you think they exacerbate homelessness by discouraging engagement with voluntary services? 2. What are the reasons for this development of involuntary commitment? Are there any studies or other research showing that involuntary commitment is more effective or is it being done purely for political purposes? 3. What are the constitutional bounds of involuntary commitment? As of now, what would constitute legitimate state intervention and what would constitute government overreach?