

September

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Governing Visibility

Encampment Sweeps and Public Space Policing as Mechanisms of Homelessness Management in Chicago.

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By the Future Justice Lawyers of Chicago

Introduction

Our paper addresses the ways in which the city of Chicago has enforced deadly legal measures against its unhoused population. This framework of inequity has been constructed through the strategic implementation of spatial control through encampment sweeps, socio-economic displacement, and the proliferation of dehumanizing social narratives perpetuated against the unhoused. After evaluating the historical foundations, policies, socio-economic conditions, and the narrative impact of criminalization, we conclude with our proposals for how Chicago must move forward to create an inclusive city for all its residents.

Homelessness has been a persistent issue throughout Chicago's history. During the Great Chicago Fire of 1871, one-third of people lost their homes.¹ In the late 1800s, the railroad industry boom generated a large influx of people into Chicago, creating housing scarcity and forcing many to resort to temporary housing or living on the streets.² In the 1980s, homelessness rose again due to technological advances and gentrification. Today, homelessness continues to be a major issue in Chicago.³ In 2024, over 55,000 people experienced homelessness in Chicago, with over 18,000 people staying at shelters or outdoor locations and over 37,000 living in doubled-up housing situations.⁴

The four main causes of homelessness are lack of housing, unemployment, lack of income, and low wages. These four causes have always been a predominant pattern affected by society. Most people experiencing homelessness have mental health disorders.⁵ These underlying issues aren't addressed, and instead, Chicago's current policies do more harm and marginalize the unhoused community with criminal charges and perpetuate misconceptions about unhoused individuals. We propose that policies instead establish more legal protections and due process, rework public space, promote non-discrimination ordinances, address causes better, and change how we handle crises. Members of the public may view unhoused individuals with fear and associate them with stereotypes, with many scared that the unhoused will hurt them. However, data states that the unhoused are actually more likely to be victims of a crime from the general

¹*Main Causes of Homelessness in Chicago*, Unity Parenting & Counseling.

²*Id.*

³*Id.*

⁴*Chicago's Homeless Estimate*, Chi. Coal. for the Homeless, <https://chicagohomeless.org/homelessestimate/>

⁵ Rishi K. Sharma et al., *Prevalence of Mental Health Disorders Among Unhoused Populations*, JAMA Psychiatry (2024), <https://jamanetwork.com/journals/jama/fullarticle/10.1001/jamapsychiatry.2024.0426>

public.⁶ Homelessness is criminalized when actions like camping, storing items, or sleeping in public areas are made illegal and ticketed with no proper resolution provided by the city.⁷ Although Chicago's current policies of homelessness rely on punitive legal frameworks and encampment sweeps to manage urban visibility, such policies fail to address the root causes of homelessness. To respond properly and effectively to homelessness, the city of Chicago should consider divesting from police-led management and implementing rights-based resolutions that help the unhoused and impacted communities.

Policy, Law, and Economy

To learn how Chicago is managing homelessness, we must look beyond the visible act of conducting sweeps and shift our gaze to the legal system that authorizes these actions. Chicago has rules in place that define who can use public spaces, how they can use them, and what the consequences will result from not complying with those rules. An analysis of these local regulations reveals how Chicago has created a system of laws that criminalizes the daily activities of the unhoused (such as resting, sleeping, or even existing in public view). This legal system gives the Chicago Police Department and other city agencies the power to regulate what is visible in the urban environment and to send people from public parks into the criminal justice system.

The first thing to be addressed is municipal codes and how they are implemented in the City of Chicago. The City of Chicago utilizes various sections of Municipal Code Chapter 8-4 (Public Peace and Welfare) to regulate conduct in public spaces.⁸ One avenue through which the city deals with individuals in public spaces is by bringing charges of “disorderly conduct.”⁹ “Disorderly conduct” includes behavior that is performed in an “unreasonable manner” and may “provoke a breach of peace,” along with failing to disperse when directed to by a police officer. In addition to “disorderly conduct,” the city frequently brings trespass charges against the unhoused. Trespassing bars entering or remaining on the property of another without consent, and the city frequently brings trespass charges against individuals who remain in public parks or

⁶*Unhoused People Unfairly Perceived as Dangerous, Data Shows*, ABC News (Oct. 5, 2023), <https://abcnews.com/Health/unhoused-people-perceived-dangerous/story?id=103751928>.

⁷ *Chicago's Criminalization of the Homeless*, Nw. Undergraduate L.J. (May 2021), <https://www.thenulj.com/nuljforum/chicagos-criminalization-of-the-homeless>.

⁸Chi., Ill., Municipal Code ch. 8-4 (2026).

⁹ *Id.* at § 8-4-010.

buildings after hours.¹⁰ Public urination or defecation is the most frequently charged offense against the unhoused since they often do not have access to private or public facilities that operate 24 hours a day.¹¹ Enhanced Penalties in Safety Zones target the presence of individuals experiencing homelessness within 1,000 feet of “student safety zones” such as schools and parks, exposing them to increased amounts of fines and mandatory imprisonment.¹² The fine for a third offense in these areas can be up to \$5,000, along with a mandatory six months’ jail time.¹³

The Chicago Park District has an operational manual governing the implementation of the city’s municipal codes.¹⁴ The Chicago Park District defines an encampment as one or more tents or other structures used as temporary housing.¹⁵ The Park District considers encampments that interfere with park use, create a health or safety concern, or are located near private residences or businesses to be a priority for removal. The cleaning and/or removal of an encampment is a cooperative effort between the Department of Family and Support Services (DFSS), the Streets and Sanitation Division (SS), and the Chicago Police Department (CPD). The intention of these cleanings and removals is to remove “unauthorized items” rather than to fully remove the encampment.¹⁶ However, these cleanings and removals often require a complete removal of all structures and personal belongings. If there is a “reasonable belief” that there is an imminent threat to public health or safety, immediate action will be taken. These policy implementations have been broad and have only instilled more fear in the unhoused. According to the Park District's Policy for Affordability and Accessibility to Parks, their policy is described as consistent with a "compassionate, trauma-informed Housing First approach." However, the Park District also clearly assigns the power of enforcement to the Chicago Police Department for the overnight camping ban and for encampment closures.¹⁷ The Park District's support for the rights of the unhoused exists within a policy framework that claims to keep the parks "clean, safe, open, and available to all users." If a member of the community Inquiries as to how to support individuals who reside in encampments: the employees of the Park District are directed

¹⁰ *Id.* at § 8-4-050, § 8-4-250.

¹¹ *Id.* at § 8-4-081.

¹² *Id.* at § 8-4-355.

¹³ *Id.* at § 8-4-355(b)(3)

¹⁴ Chi. Park Dist., *Homeless Encampments on Park District Property: Policy & Protocol 1* (Jan. 2026), <https://www.chicagoparkdistrict.com/media/41231/download?inline=>.

¹⁵ *Id.* at 2-3.

¹⁶ *Id.* at 4.

¹⁷ *Id.* at 1, 5.

by official policy to refer them to 311, which will, in turn, connect the individual to the administrative and/or enforcement networks of the city, only leading to further criminalization.

The main reason for the retention of Chapter 8-4 codes in the Chicago Municipal Code is political pressures at the local level, as well as the misuse of the concept of “public safety” by municipal actors. Space management in the Chicago City Council is heavily influenced by both the alderman's agenda and pressures from business improvement districts, often resulting in bipartisan legislative support for punitive measures targeting visible poverty to satisfy local business interests. By labeling encampments of the unhoused as threats to public order and commerce, local elected officials have encouraged the public to focus on the individuals experiencing homelessness, rather than the systemic failures that produce homelessness. Therefore, municipal strategies for law enforcement will continue to be tied to the politics of electoral cycles and the portrayal of cities rather than to evidence-based solutions for poverty.

Mimicking the Past: The Ugly Laws and Current Politics

Chicago has a dark history regarding its inhumane treatment of the unhoused that still actively seeps into current laws and ordinances. In the nineteenth century, states enacted laws prohibiting the unhoused from merely existing in public. Back in 1881, Chicago Alderman James Peevey had the goal of removing the city of “all street obstructions.”¹⁸ To him, “street obstruction” referred to any disabled, poor, or unhoused person. Such motivation led to the creation of the *Ugly Laws*, which spread across multiple states. Chicago was a leading city in enforcing such legislation. Although the wording of the Ugly Laws targeted those with physical disabilities, the underlying motivation was to target the impoverished population. Wealthy individuals with disabilities were less affected than the poor, as the Ugly Laws resulted in people being fined for simply existing in the public realm. These fines ranged from \$1 to \$50. Those who could not pay these fines were often sent to the police station and committed to the county poorhouse. This strategy was marketed as acceptable, to the point where the Chicago Tribune “suggested that police officers should wait at every train depot so that ‘the moment a tramp or begging cripple steps from the cars he can be arrested.’”¹⁹ This demonstrates that Chicago has actively criminalized the unhoused for decades, often relying on law enforcement to “take care”

¹⁸ Elizabeth Greiwe, *How an ‘ugly law’ stayed on Chicago’s books for 93 years*, Chicago Tribune (June 23, 2016), <https://www.chicagotribune.com/2016/06/23/how-an-ugly-law-stayed-on-chicagos-books-for-93-years/>

¹⁹ Adrienne Phelps Coco, *Diseased, maimed, mutilated: Categorizations of disability and an ugly law in late nineteenth-century Chicago* (Fall 2010) (University of Illinois, Chicago).

of such persons. Lawmakers also convinced the working class that this would benefit them and argued that a person who lacks a stable home is at fault and does not deserve to exist among them.

One of the most unsettling facts is that Chicago was the last city to repeal its Ugly Law in 1974. However, even though it was repealed, discrimination against the unhoused population has not decreased. To push for the Ugly Laws, figureheads used specific terminology for the unhoused, such as “unsightly beggars.” Similar wording is still used in politics to demonize people experiencing homelessness. For example, Executive Order 14321, signed by President Donald Trump in 2025, criminalizes the unhoused, specifically those with mental disorders and addictions. The first line states, “Endemic vagrancy, disorderly behavior, sudden confrontations, and violent attacks have made our cities unsafe.”²⁰ This choice of words is problematic, as it immediately connects the unhoused to being rowdy, dangerous, and a nuisance. This is on par with how the impoverished were conceptualized in Ugly Laws. Not only that, but Executive Order 14321 also seeks to admit homeless individuals with mental disorders to “appropriate facilities for appropriate periods of time.” This practically replicates the goals of the Ugly Laws to send the “unsightly” against their will to poorhouses. Another troubling aspect of this Executive Order is its redirection of federal funding to programs focused on “harm-reduction” and its claim that these projects have failed to reduce homelessness. In 1876, the Illinois Board of Public Charities claimed that handouts and outdoor charities had caused the unhoused to become “too dependent” on aid. Once again, Executive Order 14321 echoes this sentiment by ending *Housing First*, claiming that these policies do not prioritize “accountability.”

Uncovering the dark history of the Ugly Laws and their deplorable treatment of the unhoused is critical in understanding the criminalization of this population. At present, the country is reverting to its past policies right before our eyes. The unhoused population increases per year, yet the care for these targeted people has not evolved for the better. Those experiencing homelessness are continuously degraded and treated as an “out-group.” Politicians proceed to enact laws that push the vulnerable to the outskirts of cities or into facilities against their will. We have historical evidence that such legislation only causes harm, yet figureheads try to instill the notion that these laws are beneficial. Until this country unanimously understands the

²⁰ Exec. Order No. 14321, 90 Fed. Reg. 35817 (July 29, 2025).

depravity caused by such criminalizing ordinances, those of the past and present, we cannot claim that the government treats the unhoused humanely.

Strategic Implementation: Sweeps and Spatial Control

Chicago's inhumane practices regarding the criminalization of the unhoused follow a disturbing national trend. Throughout the fifty states, hundreds of millions of dollars are spent on aggressive encampment sweeping campaigns, targeted legislation, fines, and other cruelties woven into the fabric of "public safety" initiatives and rhetoric. On March 19th, 2026, Chicago Police cleared an encampment of the unhoused in North Side Park amid below-freezing temperatures.²¹ Over sixteen of the encampment's residents had selected affordable housing units, but were unable to move in due to a required 30-60 day waiting period. Chicago faces a shortage of over 126,000 affordable housing units for its low-income population, which contextualizes the strategy of the police force. When one encampment closes, its residents move to another, and the cycle continues, under the narrative of public security.²²

Over 200 cities have implemented ordinances against sleeping outside, facilitating a spike in arrests of individuals experiencing homelessness, as a result of the 2024 United States Supreme Court Decision, *Grants Pass v. Johnson*, which gave local governments greater ability to criminalize the unhoused.²³ In 2021, Chico, California, proposed moving unhoused individuals to a patch of blacktop in close proximity to an airport runway, in an area where temperatures routinely exceed 100 degrees.²⁴ The proposal was rejected, yet Chico continues its encampment sweeping practices, which operate similarly to Chicago's.²⁵ The National Homelessness Law Center observed a 92% increase in citywide bans on camping from 2005 to 2019. 72% of cities

²¹ Molly Devore, Rachel Hinton, *City Clears North Side Encampment Amid Cold Snap As Residents Wait For Housing*. Bl. Clb. Chi. Mar. 17. 2026.

²² Id.

²³ Ryan Levi, *Homeless Camp Sweeps Can Harm Health. Some Cities Are Trying a New Way*. The. Mrsh. Project. Nov. 20. 2025. <https://www.themarshallproject.org/2025/11/20/california-police-homeless-los-angeles>.

²⁴ Andre Byik, *Lawyers: Chico Airport Shelter Poses Heat Exposure Risks For Unhoused People*. Nrth. St. Pblc. Radio. Jun. 29. 2021.

<https://www.myspr.org/news/2021-06-29/lawyers-chico-airport-shelter-poses-heat-exposure-risks-for-unhoused-people>

²⁵ Nazish Dholakia, *How the U.S. Criminalizes Homelessness*. Ver. Inst. Just. Dec. 17. 2021.

https://www.vera.org/news/how-the-u-s-criminalizes-homelessness#:~:text=The%20cencampment-sweepingiminalization%20of%20homelessness%20is%20a%20misguided,for%20money%2C%20and%20sharing%20food%20into%20offenses**

have at least one law restricting camping in place.²⁶ In 2019, the Boston Police Department destroyed wheelchairs of unhoused citizens by crushing them in the back of a garbage truck in “Operation Clean Sweep.”²⁷ Los Angeles spends over 300 million dollars annually on the “Inside Safe” initiative, which are used to fund encampment sweeps.²⁸ The lack of systematic data on encampment sweeps and other government interference into unhoused living in Chicago is significant, limiting public oversight and making it difficult to assess the scope and impact. Chicago, unlike Seattle or San Francisco, does not maintain a publicly accessible database documenting the frequency, location, or outcomes of removals. A 2023 Office of the Inspector General audit found that DFSS generally complied with its own outreach and notification requirements during clearings and Accelerated Moving Events and reported that 94% of participating residents obtained housing and 79% remained housed after five months.²⁹ However, these findings reflect only a short-term period and introduce selection bias by including only officially enrolled individuals, excluding many who were not contacted, joined the encampment later, were absent, or did not want to enroll. It is also worth noting that connecting people with “housing” widely varies—while the most stable options are permanent supportive housing or rental assistance, they can also include shelters, month-long placements, subsidies, or waitlisted programs. Additionally, this audit evaluated compliance with policies that are themselves often problematic, such as belongings disposal, rather than the actual impact on, or voices of, unhoused people. Journalistic reporting and community advocates like the Chicago Coalition to End Homelessness have documented many affected people who are removed without supportive alternatives; they have their tents and belongings destroyed, experience loss of community, and become entrenched deeper into the cycle of homelessness.³⁰ The implementation of encampment

²⁶ Tristia Bauman, *Housing Not Handcuffs: Ending the Criminalization of Homelessness in U.S. Cities*. Nat’l L. Ctr. Homeless. & Poverty. 12. 9-119. Dec. 2019.<https://homelesslaw.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf>

²⁷ Felice J. Freyer, Danny McDonald, *Homeless Advocates Rap Boston Police for Destroying Wheelchairs in South End Sweep*. Bos. Com. Aug. 8. 2019. <https://www.boston.com/news/local-news/2019/08/08/homeless-advocates-rap-boston-police-for-destroying-wheelchairs-in-south-end-sweep/>

²⁸ David Zahniser, *Under L.A. Mayor’s \$300-Million Homeless Program, 40% Have Returned to the Street*. La. Times. Apr. 5. 2026.

²⁹ City of Chicago Office of Inspector General, *Audit of DFSS Outreach to Encampments of People Experiencing Homelessness* (2023), <https://igchicago.org/wp-content/uploads/2023/08/Audit-of-DFSS-Outreach-to-Encampments-of-People-Experiencing-Homelessness.pdf>

³⁰ Chicago Coalition to End Homelessness, *Letters: Sweeps of Tent Encampments Will Do Nothing to Alleviate Homelessness in Chicago* (Sept. 2025).

sweeps happens in an ambiguous legal environment in which federal constitutional interpretations have made the implementation of state laws for homeless individuals a difficult process. Illinois state law guarantees an individual the right to equal access to public space and prevents other individuals (governments) from discriminating against them in public space under the following state statutes: The Illinois Human Rights Act, the Illinois Civil Rights Act of 2003, and the Bill of Rights for the Homeless (Statutory). However, the limitations in enforcing these statutes make it difficult for individuals to successfully assert their rights. To add to this difficulty is the trend of federal courts not broadly applying the “State-Created Danger” doctrine (under the substantive due process doctrine derived from the due process clause of the Fourteenth Amendment) to homeless individuals, leaving them with limited constitutional avenues to pursue after a violation of the doctrine. By ruling that municipal agencies have no constitutional duty to provide shelter to homeless individuals and that municipalities may destroy self-constructed survival infrastructure during dangerous weather, federal courts are essentially exempting municipal agencies from constitutional accountability for their own sweep policies.

Between 2024 and 2026, Chicago journalists and advocacy groups have documented repeated encampment clear-outs and their impacts, which have increased in visible public spaces, especially parks. Since 2024, major city interventions have occurred at Humboldt Park, Gompers Park, Legion Park, and Eugene Field Park.³¹ While city officials generally reject the term “sweep,” instead describing these actions as routine cleanings, hazard mitigation efforts, or trauma-informed housing-focused interventions, residents and advocates consistently describe these actions as traumatizing forced displacement involving the destruction or disposal of tents and belongings and the repeated fragmentation of encampment communities. Reporting across multiple sites documents residents experiencing repeated loss of shelter materials, forced relocation to nearby parks or underpasses, and disruption of informal support networks formed within encampments.³² At Gompers Park, city agencies repeatedly conducted cleanups and removed tents while simultaneously pursuing an “accelerated moving event” intended to

³¹ Tara Molina, “Homeless Encampment Residents in Chicago’s Gompers Park Take Issue With City ‘Cleanup,’” CBS News Chicago (Feb. 19, 2025),

<https://www.cbsnews.com/chicago/news/homeless-encampment-residents-chicago-gompers-ark-cleanup/>

³² Block Club Chicago, “Three Homeless Encampments, Three Different City Responses” (2025),

<https://blockclubchicago.org/2025/08/07/three-homeless-encampments-three-different-city-responses/>

transition residents into housing.³³ Similar justifications centered on fire hazards and public safety were later used to support removals at Legion Park and Eugene Field Park²¹. In Humboldt Park, reporting describes a gap between the city's official framing of the encampment as a managed transition and residents' accounts of abrupt removals, with multiple individuals reporting that tents and belongings were discarded or destroyed during clearing operations despite assurances of storage. City reporting also indicates that while some residents were placed into housing or shelter through coordinated outreach, others were displaced to nearby encampments across the West Side, suggesting partial rather than complete resolution of the site.

These patterns also extend to removals conducted in relation to high-profile civic events and downtown-facing public spaces, where encampments have been cleared in advance of major gatherings and visibility-sensitive periods, underscoring how encampment management is tied not only to housing policy but also to urban image-making and the regulation of public space.³⁴ Rather than eliminating encampments entirely, these removals often appear to redistribute them across nearby locations. Reporting on Gompers Park, for example, documents the emergence of a new encampment at Eugene Field Park following earlier clear-outs. Consequently, existing evidence suggests that targeted removals may alter the geography of homelessness more than they reduce homelessness itself, while the absence of comprehensive city data makes broader evaluation difficult. This cycle of repeated displacement results in ongoing instability for unhoused residents, including the continual loss of possessions, disruption of access to services, and repeated rebuilding of survival infrastructure in new locations. Taken together, these patterns suggest that encampment removals function less as durable exits from homelessness and more as spatial governance practices that manage visibility and distribution of unhoused populations within the city rather than resolving underlying housing precarity.

While government-sanctioned encampments have been presented as a solution to penalizing encampments, they tend to divert efforts from permanent housing and reproduce punitive dynamics. They strengthen the implication that “unsanctioned” encampments and their residents are problematic and have been used to justify policies that restrict camping, increase sweeps, and add those who do not join sanctioned encampments to the “service non-compliant”

³³ FOX 32 Chicago, “Chicago Encampment Cleanup Sparks Protest and Debate Over Criminalization of Homelessness” (Mar. 11, 2025), <https://www.fox32chicago.com/news/gompers-park-chicago-homeless-encampment>

³⁴Alex Kirchner, “Out of Sight, Out of Mind: Banning the Unhoused from Chicago’s Public Spaces,” *Public Interest Law Reporter* 29 (2023), <https://lawcommons.luc.edu/pilr/vol29/iss1/>

pool.^{35,36} They replicate the shortcomings of shelters but are not even shelters as they are outdoors and lack significant amenities.³⁷ Sanctioned encampments with more resident autonomy tend to have more resident satisfaction, but this could also be achieved by not persecuting already-existing and self-regulating encampments and contributing positive resources and support.^{38,39, 40}

Urban renewal and gentrification in Chicago: Housing Insecurity

Chicago has a deep history of segregation and redlining, stemming back to Chicago's first zoning ordinance in 1923, where early traces of Black "exclusionary" zoning were taking place. A National Bureau of Economic Research ("NBER") study titled "Race, Ethnicity, and Zoning: The Case of Chicago's First Comprehensive Land Use Ordinance" observed the migration patterns of newfound Chicago residents in the 1920s and found that White occupants were skeptical of Black residents coming from the South and that native Black residents were also not fond of this migration. When the zoning ordinance was initially passed, it did not receive negative feedback. Down the line, this lack of opposition and care for exclusionary provisions would result in predominantly Black neighborhoods being subjected to high-density zoning, meaning more apartment buildings, and an increase in people residing per building. NBER also found that these neighborhoods had a higher rate of industrialization than white neighborhoods, leaving the community to have a less appealing overall look and feel to it, in addition to contributing serious health concerns for residents near industrial areas. Living alongside the three major highways (I-290, the I-55, and the I-90) and factories has been linked to an increase in air pollution from diesel, as well as higher levels of lead exposure on occasion.⁴¹ Urban renewal and

³⁵ United States Interagency Council on Homelessness (USICH), *Caution: Sanctioned Encampments / Safe Zones Id.*,

³⁶ National Homelessness Law Center, "Sanctioned Encampment Policy," <https://nationalhomeless.org/sanctioned-encampment-policy/with>

³⁷ Smart Cities Dive, "Houston Housing First Model Reduced Homelessness—How It Works and Obstacles," <https://www.smartcitiesdive.com/news/houston-housing-first-model-reduced-homelessness-how-it-works-obstacles/63772>

³⁸ NPR, "Remaking America: State-Sanctioned Homeless Encampments" (2023), <https://www.npr.org/2023/05/04/1174017993/1a-remaking-america-state-sanctioned-homeless-encampments>

³⁹ Truthout, "Homes, Not Sanctioned Encampments, Are the Solution to Homelessness," <https://truthout.org/articles/homes-not-sanctioned-encampments-are-the-solution-to-homelessness/>

⁴⁰ CalMatters, "California Homelessness and Encampment Policy Debates" (2024), <https://calmatters.org/housing/homelessness/2024/03/california-homelessness/>

⁴¹ Allison Shertzer et al., Race, Ethnicity, and Zoning: The Case of Chicago's First Comprehensive Land Use Ordinance (2014), https://www.nber.org/system/files/working_papers/w20108/w20108.pdf.

gentrification in Chicago have played a big role in increasing housing insecurity, especially for long-term residents in already marginalized communities. The process of gentrification creates both physical and social displacement, as neighborhoods are redeveloped and become too expensive for the people who originally lived there. Thus, it results in displacement from communities where they have long-established social and economic ties.⁴² Displacement doesn't just occur through rising rents but also through indirect pressures, such as harassment, coercion, and intimidation, that force residents to leave before formal rent increases take effect. These forms of displacement demonstrate that housing instability extends even beyond economic hardship and can have detrimental impacts on the individual's ability to remain in their former communities.⁴³

In addition, gentrification also affects the sense of community. When residents are forced to leave their neighborhoods, they lose not only their homes but also the relationships and support systems they have developed over time within these communities. This disruption weakens the social networks that are established and especially culturally important within low-income, immigrant, and minority communities. As a result, displacement affects not only the individuals who leave but also the broader community that relies on those social connections.⁴⁴

At the same time, there are bigger systemic issues that further exacerbate the housing insecurity created by gentrification. Policies that criminalize homelessness disproportionately affect people of color and individuals with disabilities, which reinforces existing inequalities rather than actually addressing the underlying causes of housing instability. Rather than expanding access to affordable housing or even supportive resources, these policies are often punishing individuals for experiencing homelessness, making the issue not just a housing concern but also a broader civil rights issue.⁴⁵

Due to the systemic breakdown of spatial governance in cities, local grassroots advocacy organizations throughout Chicago have banded together to continue providing essential support to those affected by urban displacement. The Chicago Coalition for the Homeless and local

⁴² UIC School of Public Health: Identifying Environmental Hazards Within Southwest Chicago
<https://publichealth.uic.edu/news-stories/identifying-environmental-hazards-within-southwest-chicago/>

⁴³ Efadul Huq & Stacy Anne Harwood, Making Homes Unhomely: The Politics of Displacement in a Gentrifying Neighborhood in Chicago, 18 City & Cmty. 710 (2019).

⁴⁴ *Id.*

⁴⁵ Tom Stanley-Becker, Challenging the Criminalization of Homelessness Under Fair Housing Law, 42 Law & Ineq. 109 (2024).

mutual aid networks actively fill institutional voids in providing trauma-informed crisis care and aid in navigating complicated housing registries to connect the populace who remain unhoused with stable homes. The empirical data compiled by these advocacy organizations demonstrate significant support for the “Housing First” model of initially placing people in permanent, safe, supportive housing without restrictions or prerequisites for success. The data collected also highlight that as people receive permanent housing with no coercion or restrictions attached, custodial rates increase and health care expenditures are significantly reduced. This would break the spiral of urban displacement seen in many major cities, such as Chicago.

The Human & Narrative Impact

The criminalization of unhoused individuals is not just a legal or policy issue but one that has direct human and emotional consequences. In Chicago, the management of homelessness relies heavily on policing, space regulation, and “sanitizing” areas through encampment sweeps. These approaches forcefully remove unhoused people from public spaces and reinforce the idea that homelessness is a problem of visibility rather than structural inequality. Instead of addressing root causes such as lack of affordable housing or long wait times for assistance, the city’s response often treats unhoused individuals as disruptions to be removed.

A three-year participant observation study, including more than 75 interviews, found that unhoused individuals are frequently framed as “dirt,” “disease,” or “disorder,” which is then used to justify their removal.⁴⁶ This framing is especially relevant in Chicago, where encampment sweeps are often presented, falsely, as necessary for public health or safety. This language has real psychological consequences. As one unhoused individual describes, “They think their lives would be so much better if they didn’t have to see the ‘slime’ and the ‘scum’ that lives on the street... why try to hide it?”⁴⁷ This dehumanization allows cities to treat people as problems to be cleared rather than individuals in need of support, reinforcing the logic of criminalization.

In practice, encampment sweeps in Chicago create immediate and harmful consequences for unhoused individuals. During a March 2026 cold snap, the city cleared a North Side encampment even as residents were waiting for housing placements, demonstrating a clear

⁴⁶ Randall Amster, Patterns of Exclusion: Sanitizing Space, Criminalizing Homelessness, 30 Soc. Just. 195, 196 (2003), <https://www.jstor.org/stable/29768172>

⁴⁷ Id.

disconnect between policy and lived reality.⁴⁸ Individuals already in the process of securing housing remain displaced, exposed to dangerous weather conditions, and further instability.

When one encampment is cleared, residents are forced to relocate to another area, creating a continuous cycle of displacement rather than resolving homelessness. This cycle is central to how criminalization operates: people are repeatedly pushed out of spaces without being given an alternative or relief from homelessness. Even when the city claims to offer shelter or housing, access is inconsistent and delayed. Placements can take months, if they happen at all, and individuals are often left without clear direction on where to go after a sweep.⁴⁹ City efforts prioritize clearing space and maintaining public order over providing long-term solutions and combating homelessness at its root cause.

Encampment sweeps also result in the loss of personal belongings, further illustrating the human cost of criminalization. Accounts from Skid Row show that individuals often lose everything they own during these operations, including deeply meaningful items such as letters, photographs, and family records. One individual recalls, “I forgot it was moving day and I wasn’t here... all my stuff was gone... letters... pictures of my kids... obituaries... they threw my whole, everything I owned away.”⁵⁰ While this example is not from Chicago, it reflects a pattern that is consistent with reports from Chicagoland encampment clearings. Many individuals also express frustration with the lack of effective support systems. As one person states, “I’ve been through the entity of what they say a program is. There ain’t no program.”⁵¹ Official claims of support and the actual treatment people receive differ significantly. In Chicago, this gap reinforces distrust in institutions and contributes to the sense that “programs” function more as justification for sweeps than as meaningful pathways out of homelessness.

The daily experience of homelessness in Chicago is shaped by constant insecurity and fear, conditions that are intensified by criminalization. Unhoused individuals often choose specific areas to avoid harassment, yet still live with the ongoing threat of encampment sweeps.

⁴⁸ Molly DeVore & Rachel Hinton, City Clears North Side Encampment Amid Cold Snap as Residents Wait for Housing, Block Club Chi. (Mar. 17, 2026, updated Mar. 19, 2026), <https://blockclubchicago.org/2026/03/17/city-clears-north-side-encampment-amid-cold-snap-as-residents-wait-for-housing/>

⁴⁹ Katie Prout, *Chicago Housing Workers Call the City’s Encampment Closures ‘Unconscionable’*, Chi. Reader (Feb. 3, 2026), <https://chicagoreader.com/news/housing-homeless-encampments-clearing-eviction/>

⁵⁰ Invisible People, *Skid Row Homeless Sweeps Make Homelessness Worse*, 3:07–3:20 (YouTube, Aug. 1, 2022), <https://youtu.be/wMF4XHi5IEk?si=RwutEUOKUK-yfkgY&t=187>

⁵¹ Invisible People, *Skid Row Homeless Sweeps Make Homelessness Worse*, 3:07–3:20 (YouTube, Aug. 1, 2022), <https://youtu.be/wMF4XHi5IEk?si=RwutEUOKUK-yfkgY&t=187>

This forces individuals to make impossible decisions, such as choosing between protecting important documents and basic necessities like blankets.

As one person explains, “I just need one sleep where I don’t have to guard my stuff,” emphasizing the exhaustion that comes from living under constant threat.⁵² Another reflects, “I never thought the loading spot would become the place I lay my blanket”. The personal and shapes not only where people can exist but how they experience daily life marked by instability and exhaustion.

Although this pattern is clearly visible in Chicago, it is not unique to the city or the United States. Research on homelessness in Australia, for example, shows that individuals similarly seek to be left alone, yet policing and removal from public spaces add additional layers of stress and hardship.⁵³ Even in a country like Australia with lower homelessness rates than the United States, these practices persist.⁵⁴ This suggests that criminalization is not simply a local policy failure in Chicago but part of a broader systemic approach to managing visible poverty. The criminalization of homelessness in Chicago also reflects deeper historical patterns. A historical analysis of post-slavery criminal codes shows that vagrancy and loitering laws were deliberately used to control newly emancipated Black people.⁵⁵ These laws criminalized basic survival behaviors and created long-term social and economic consequences.

Modern encampment policies in Chicago mirror these earlier systems. By penalizing activities such as sleeping in public or occupying space, these policies effectively criminalize the condition of being unhoused. The consequences extend beyond immediate displacement and contribute to family separation and continued marginalization. These observations reinforce the idea that current policies are not new solutions but rather continuations of older systems of control adapted to urban settings. Media narratives surrounding the use of encampment sweeps consist of several recurring themes: the individualization of homelessness as an issue rather than acknowledging or emphasizing its structural roots, the prioritization of local homeowners over

⁵² Homeless Life Stories, *Chicago Homeless Encampments 2025: CTA Night Trains, Street Sweeps & the Battle to Survive the Cold*, 16:07-16:10 (YouTuber, Dec. 9, 2025), <https://youtu.be/tJexfAARdMM?si=RJspQu5GkjqpBKHv> emotional dislocation of homelessness is significant.⁵⁴ These narratives show how criminalization

⁵³Thalia Anthony, Tamara Walsh, Luke McNamara, Julia Quilter, *Hyper-Policing the Homeless: Lived Experience and the Perils of Benevolent and Malevolent Policing*, 32 Crit. Criminology 609, 609 (2024), <https://link.springer.com/article/10.1007/s10612-024-09775-3>

⁵⁴ Id.

⁵⁵ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* 28-31 (rev. ed. 2012)

unhoused individuals, dehumanizing portrayals of the unhoused, negative portrayals of those protesting against encampment sweeps, and fear-based rhetoric that omits context.⁵⁶

Proposed Resolutions

The following policy proposals seek to remedy previously detailed ordinances that have caused considerable harm to both the safety and dignity of Chicago's unhoused residents. These propositions reinforce constitutional rights, empathy for circumstances, anti-discrimination initiatives, and the expansion of social services to address the socio-economic roots of homelessness. These reforms, in addition to creating stronger legal frameworks for the rights of unhoused individuals, represent a shift toward collective responsibility and community, rather than hyper-individualism and social isolation.

The first proposed resolution is more legal protections for the unhoused, specifically the implementation of a necessity defense into the municipal codes and local laws. A necessity defense is a legal justification in which a defendant admits to committing a criminal act but argues it was necessary to prevent greater, imminent harm. Amending the municipal code to permit defendants to prove that they violated an ordinance (e.g., breaking an ordinance prohibition against sleeping in a park overnight) to avoid greater harm to themselves (such as freezing to death or being assaulted physically) when there was no shelter available. If the defendant successfully asserts a necessity defense in court, the city will then bear the burden of showing that there was a safe, viable shelter option.

The second proposed resolution is enhanced due process for personal property. This would be a shift from "general notice" signage types to mandated 72-hour written notices to individuals prior to the removal of personal property from the City of Chicago Park District parks. In addition, the city must issue a mandate to store all seized property (such as, but not limited to, tents, blankets, and heaters) at a nearby field location for 90 days, rather than discarding it as "debris," as is currently practiced. This will preserve the Fourth Amendment's protection against unreasonable searches and seizures.

To resolve the encampment crisis, the city needs to completely rework how it manages public space use. Right now, encampment management relies on a punitive system of the

⁵⁶ Anis Bawarshi, George L. Dillon, Megan Kelly, Candice Rai, Sandra Silberstein, Gail Stygall, Amoshaun Toft, *Media Analysis of Homeless Encampment "Sweeps."* Univ. Wash. Dec. 2008. <https://faculty.washington.edu/stygall/homelessmediacoveragegroup/>.

Chicago Police Department (CPD), Department of Streets and Sanitation (DSS), and the Chicago Park District. The City of Chicago should remove these agencies' authority to enforce laws on people experiencing homelessness and instead give authority to a coordinated coalition led by the Department of Housing (DOH) and the Department of Public Health (CDPH). Instead of enforcing laws through the criminal justice system for non-compliance, this change would allow the city to prioritize distributing resources, providing medical assistance, and securing permanent housing for people experiencing homelessness.

Additionally, we recommend a non-discrimination ordinance. An ordinance could be enacted by the city's municipality to specify individuals' "Housing Status" as a protected class. If "housing status" is made a protected class, it would be a violation of civil rights for public officials or municipal agencies to withhold "full and equal access" to any public facility (such as a bathroom in a library or warming center) based on an individual's appearance or whether they have an address. By establishing "housing status" as a protected category, Chicago will allow unhoused individuals who wish to challenge exclusionary urban spatial policies to do so via the Illinois Department of Human Rights (IDHR) or through individual civil lawsuits. Moving beyond legal protections, Chicago must address the underlying causes of housing insecurity. The city should reject the old, narrow forms of public housing and instead focus on building greater community support and restoring human dignity. Public housing, in many instances, has been a tool of incarceration. Unhoused individuals who have had interactions with the legal system face multiple barriers to obtaining affordable housing, reflected in policies that grant federal housing authorities broad discretion to exclude individuals who have been found guilty of or arrested for any crime from accessing public housing. As Michelle Alexander explains, the pattern of systematically prosecuting marginalized populations is supported by collateral consequences that effectively deny them access to affordable public housing even when their cases have been resolved.⁵⁷ For example, under the federal "One Strike and You're Out" policy, public housing authorities have broad discretion to withhold housing from anyone who has a criminal history or has had an arrest record, therefore restricting any individual who has an arrest for a violation of Chicago's municipal codes from obtaining affordable public housing.⁵⁸

The City of Chicago should end this systemically sanctioned cycle of homelessness and

⁵⁷ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* 142–45 (rev. ed. 2012)

⁵⁸ One-Strike Eviction Rule to Be Enforced in Public Housing, *TIME* (Mar. 28, 1996),

recidivism through a comprehensive overhaul of public housing policy focused on social housing models that support resident empowerment and build community wealth. Public Housing policies should no longer regard public housing as a form of institutional exclusion and control, but instead should contribute funds to establishing safe, stable, mixed-income communities governed by the residents who live there, and provide mental health services, job-readiness services, and community centers as part of the housing infrastructure. By changing the model of public housing from one of punishment and seclusion to a sustainable, community-based solution that supports our most disadvantaged populations and fosters long-term neighborhood stability, Chicago will help break this cycle.

Lastly, the City of Chicago should change how it addresses crisis situations in the unhoused communities. The city should establish an independent, non-police-operated mobile crisis response team that employs an approach similar to CAHOOTS (Crisis Assistance Helping Out On The Streets) in Eugene, Oregon.⁵⁹ Currently, if community members or municipal staff report concerns about someone in an encampment by calling 911 or 311, armed law enforcement officers are dispatched. This pathway for response often escalates situations involving mental health and substance abuse issues, continuing the cycle of arrest and forced dislocation. A Chicago-based alternative would redirect all public safety funding from police-led spatial management towards medical and mental health professionals who respond to crisis calls from encampments. This program would operate as a decentralized mobile crisis intervention team, pairing a mental health clinician with an EMT and responding directly to calls related to psychiatric distress, substance abuse, and service needs within encampments. Importantly, this program would be a fully independent entity from the Chicago Police Department, have no arrest authority, and not participate in any forced encampment clearances. By embedding a specialized rights-based team to address medical and psychological needs within the city's infrastructure, the City of Chicago can provide appropriate responses to public safety and acute healthcare needs without weaponizing municipal codes. The CAHOOTS framework is an amazing example of how to create a non-police intervention in case of emergency. Yet at the same time, creating an infrastructure that supports this type of service throughout the city of Chicago will require navigating not only the politics of re-allocating currently discretionary public funds, but also

⁵⁹ CAHOOTS Blueprint, White Bird Clinic, Media Guide 2020
<https://whitebirdclinic.org/wp-content/uploads/2020/07/CAHOOTS-Media.pdf>.

addressing the logistical challenges associated with integrating a large-scale, independent mobile unit into our fragmented 911/311 emergency dispatch systems to ensure that call routers appropriately assess situations without defaulting to armed law enforcement by calling 911 for emergency services. There is no question that for the City of Chicago to move away from the cycle of institutionalized incarceration and towards a true equity model based on public health, it is essential to eliminate or circumvent these administrative barriers.

Conclusion

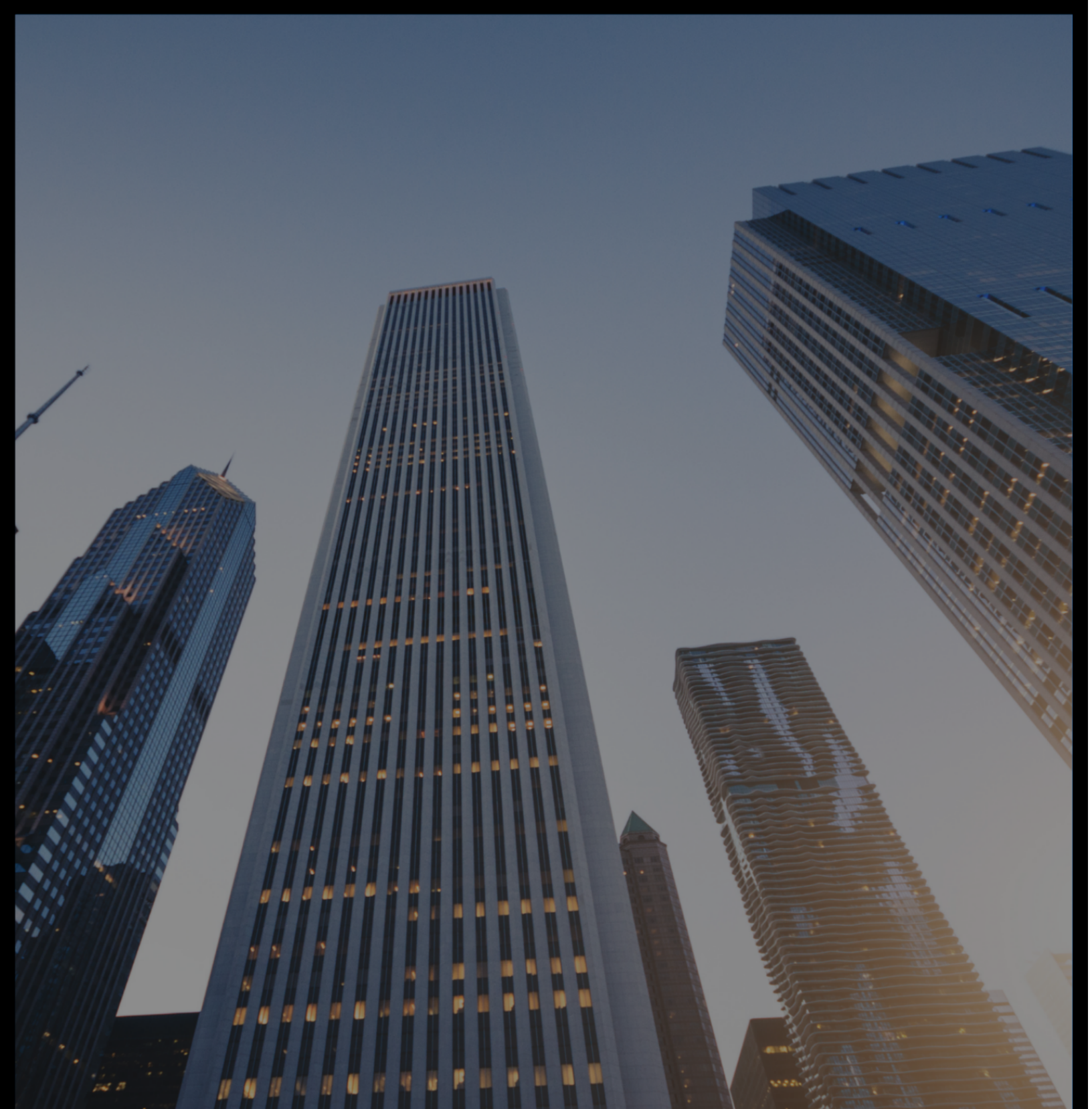
The City of Chicago's criminalization of homelessness, exhibited through the inhumane ordinances of the city and the removal of encampments, does not address the root causes of homelessness or housing instability but only adds to the criminalization of those who are experiencing homelessness. Evidence of this can be found in how these developer-driven codes favor lowering the visibility of the unhoused over human rights, along with the types of policies that create cycles of trauma and dislocation for those who have no residence. Furthermore, the policies disproportionately impact marginalized communities. The city must establish Housing First in a framework based on rights, develop a non-police crisis response team similar to CAHOOTS, enact laws that provide legal protections, change the model of public housing, and create enhanced due process protections for personal property in order to properly address the root of the housing instability crisis. In order to deliver true justice for Chicagoans without housing, a complete departure must take place from the criminalization and police control of their existence to investment in the communities that serve them with dignity and stability, which are the anticipated results of the universal human right to housing.



Chicago Appleseed Center for Fair Courts is a collaborative 501(c)(3) non-profit organization advocating for fair, accessible, and anti-racist courts in Chicago, Cook County, and across the state of Illinois.



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A low-angle, upward-looking photograph of several skyscrapers in a city skyline at dusk. The central building is the tallest and most prominent, with its windows glowing with warm yellow light. To its left and right are other tall buildings, also with illuminated windows. The sky is a pale, hazy blue. The overall mood is professional and modern.

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