

In Significant Shift from Criminalizing Homelessness, Judge Rules Man's Vehicle Is Indeed His Home



Image Source: flickr/photos/300tdorg/

By Claire S. Bernish | [The Mind Unleashed](#)

A considerable and potentially momentous shift in the need for Seattle to confront its homelessness emergency occurred last week, when a judge invoked the 123-year-old Homestead Act in determining a homeless man's vehicle is, in fact, his home – thusly, cannot be [seized](#) to satisfy an outstanding debt.

Further, King County Superior Court Judge Catherine Shaffer found the fines and fees applied by the city – first, \$900 for towing and impound, in addition to a \$44 ticket, and later reduced to \$557, with the ticket waived – [amounted to](#) an

insurmountable burden for Steven Long, 58, whose monthly income totaled between \$300 and \$600, and thus violated constitutional protections against excessive fines, as defined by the Eighth Amendment.

"We believe this case has a lot of implications for other people using their vehicles as homes," Long's attorney, Ali Bilow, of Columbia Legal Services, observed, [according to Governing](#).

"I think Seattle municipal judges should follow this ruling and take a hard look when homeless individuals, who are living in their vehicles, are charged these really excessive fees."

Where the condition of homelessness had previously been combated controversially through criminalization of its many iterations – prohibitions on [camping](#), [vehicle-sleeping](#), and, at one time, [panhandling](#), for instance – Friday's decision forces officials to consider the full scope of its concomitant housing and homelessness crises.

Governing continues, noting the *"decision could impact how cities across the state enforce parking regulations when people are living in cars. It also speaks to the complications people living in vehicles pose for the city as it deals with a growing homelessness crisis."*

Indeed, appeal remains an option, and although Assistant City Attorney Michael Ryan has yet to indicate whether or not it will come to fruition, his concern such a move creates the need for error on the side of leniency on the issue of city camping – vehicle-sleeping, being one form – was evident in court proceedings.

"Someone could park right here in front of the courthouse on Fifth Avenue," he [contended](#), *"and we couldn't tow them, or if we did tow them, we couldn't put them in impound."*

"We'd have to put them somewhere else and we couldn't charge

them at all for it, because if we did, we'd violate the constitution if they were living in that vehicle."

Writing similarly to the court on potential repercussions of its decision, Ryan asserted, [according to](#) the *Seattle Times*, "Individuals will have the right to park wherever they want for as long as they want" – meaning the city "will be unable to enforce any number of laws against a certain class of individuals."

Arguably, however, lumping homeless individuals as a 'certain class' ignores the plethora of pitfalls forcing people from housing – or preventing them from capably finding affordable housing once they've been evicted or forced out due to rising rents – and Long's case evinces an all-too common conundrum where pay is insufficient to cover rent and basic needs.

To wit, skyrocketing rent had become unmanageable for the now-58-year-old man, and he was [evicted](#) in March 2014. But it wasn't until 2016 – while he was employed at CenturyLink Field, cleaning after Seattle Sounders games – that his 2000 GMC pickup was snatched and impounded by authorities for violating an [ordinance](#) against parking in one spot for longer than seventy-two hours.

At the time, Long had been unable to amass the funds needed to repair the stalled vehicle, his de facto home, so its impoundment under ransom of exorbitant fines left the man even worse off than before – particularly, as several tools he required to work manual labor jobs remained inside. He sued the city for the return of the truck, but Seattle Municipal Court ruled against Long in May 2017 – so he filed an appeal, on which Shaffer ruled Friday, additionally ordering the city to refund all payments he had thus far made.

Taken with an October 2017 Washington Court of Appeals [decision](#) in favor of unsheltered homeless man, William Pippin – who had been charged for possession of a controlled

substance after a warrantless search of his tent by law enforcement investigating an unrelated incident turned up methamphetamine – the ruling in Long’s case has conjured [fears](#) Seattle will soon be a parking lot for those with no other place to go.

In fact, plans for two so-called vehicle safe lots to allow parking during overnight hours resulted in just one coming to fruition, [located](#) at Second Avenue South and South Spokane Street – albeit, under a cloud of [controversy](#) – and even it will be shuttered by the city as soon as April 30 this year, notes *Governing*.

Seattle [isn’t](#) alone in a lengthy history of [criminalizing](#) the condition of [being without](#) shelter or sustenance, [shuffling](#) homeless populations from place to place, nor in codification of [strictures](#) against sleeping in public – be it vehicle, tent, or bench – rather than allocating funds toward expanding and constructing shelters, assisting those with the desire to find more permanent residences, or any other of a plethora of potential solutions proposed by advocates around the nation.

However, the right to sleep – in essence, the umbrella legal theory under which advocates for the homeless have argued for years – received a substantial boost by the Department of Justice in 2015, [writes](#) Danny Westneat for the *Seattle Times*, when its “civil-rights division put out an opinion that a Boise, Idaho, ordinance banning homeless camping in public areas violated the Eighth Amendment’s protections against ‘cruel and unusual’ punishments.”

That [opinion](#) asserts, with emphasis added, “Sleeping is a life-sustaining activity – i.e., it must occur at some time in some place. **If a person literally has nowhere else to go, then enforcement of an anti-camping ordinance against that person criminalizes her for being homeless.**”

Elaborating on the DOJ statement at the time, the *Atlantic* [reported](#), “Municipalities across America have now been notified: If a law criminalizes sleeping outside when shelter space is otherwise unavailable, then in the eyes of the DOJ that law violates the Constitution. Some cities are already acting to align themselves with this notion [...]

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