



HB 1925: Vote No on Criminalizing Homelessness in Texas

What is HB 1925?

HB 1925 creates a Class C misdemeanor offense for “camping” in public. A criminal record and fine will make it harder for individuals experiencing homelessness to overcome challenges and come out of homelessness.

How will HB 1925 impact Texas?

It will exacerbate public health concerns. Individuals experiencing homelessness have high rates of chronic mental and physical health conditions, as well as co-occurring disorders. Making it more challenging to overcome homelessness will only expose unhoused people to further trauma and worsen the issue. Already, nearly 8,500 homeless individuals in Texas reported a serious mental illness, substance use disorder, or HIV/AIDS in 2020.¹

It will undermine public safety. People experiencing homelessness are more likely to be victims of violence. This is especially true for women who are unsheltered. In 2020, more than 3,000 individuals experiencing homelessness reported being survivors of domestic violence.² HB 1925 will make unhoused people afraid to call the police for help when they are victims of violence due to fear of being criminalized.

It will disproportionately criminalize Black Texans. There are significant racial disparities among individuals experiencing homelessness: Black individuals account for approximately 13% of the population in Texas,³ but they comprise 37% of unhoused individuals identified in Texas in 2020.⁴

It will undermine local progress. According to the Texas Homeless Network, 120 Texas cities have no city-wide camping bans. Other cities have lenient bans that work with people to find housing. But under HB 1925, all cities would be *forced* to immediately criminalize and punish people in crisis who pose no threat to public safety.

Vote NO on HB 1925

HB 1925 is inhumane, unconstitutional,⁵ and **not** the answer to Texas’s homelessness crisis. We must focus on helping people stabilize, access help, and live self-sufficient lives in our communities.

Citations

¹ Texas Homeless Network (THN), *2020 Annual Report*, 2020, <https://www.thn.org/2020-annual-report/>.

² THN, *2020 Annual Report*.

³ U.S. Census: Quick Facts, *Population Estimates*, 2019, <https://www.census.gov/quickfacts/TX>.

⁴ THN, *2020 Annual Report*.

⁵ The Eighth Amendment to the United States Constitution forbids cruel and unusual punishment, which the United States Supreme Court has ruled includes criminalizing people for their status. *Robinson v. California*, 370 U.S. 660 (1962). This can include the status of being homeless, meaning that bans against sleeping outside are unconstitutional if people have no other options and the shelters are full. See *Powell v. Texas*, 392 U.S. 514, 551 (1968) (White, J. concurring); *Johnson v. City of Dallas*, 860 F. Supp. 344, 350 (N.D. Tex. 1994), *rev'd in part on other grounds*, *Johnson v. City of Dallas, Tex.*, 61 F.3d 442 (5th Cir. 1995) (“Eighth Amendment scrutiny on the facts before the Court does not bode well for the sleeping in public ordinance. It should be a foregone conclusion that maintaining human life requires certain acts, among them being the consuming of nourishment, breathing and sleeping.”); *Martin v. City of Boise*, 920 F.3d 584, 617 (9th Cir. 2019), cert. denied sub nom. *City of Boise, Idaho v. Martin*, 140 S. Ct. 674 (2019) (“as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.”).