

KNOW YOUR RIGHTS

Even when we recognize the inherent flaws in relying solely upon rights granted by an oppressive government to secure our freedom, housed or not, it is important we all know our rights within the legal framework imposed upon us. Courts have repeatedly recognized that people without housing are protected by the same constitutional rights as everyone else.

Prohibitions on Camping, Sleeping, or Lying in Public

A city's enforcement of ordinances prohibiting camping, sleeping, sitting, or lying in public violates the 8th Amendment ban on cruel and unusual punishment if a person does not have an alternative. As long as there is no option of sleeping indoors, the government cannot criminalize homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.

Cited case: Martin v Boise

Unauthorized Encampments—Searches

Washington courts ruled that tents and shelters set up on public property and used for habitation are protected from unreasonable searches under the Washington State Constitution. Courts have also found that, for people who are homeless, closed baggage and containers are protected areas.

Cited case: State v Pippin

Unauthorized Encampments—Seizures

Prior to clearing encampments, local governments must provide notice to camp resident (72-hour minimum notice is common). Personal property found during the encampment removal must be held for a certain amount of time so that it can be claimed by the owner.

Cited case: State v Pippin

Use of Vehicles for Habitation

A King County Superior Court judge ruled in 2018 that an individual residing in a vehicle may have homestead rights in the vehicle. The Homestead Act protects a person's residence and essential possessions from judgments and liens

Cited case: The Homestead Act, RCW 6.13.010

Panhandling Regulations

The Washington Supreme Court struck down an ordinance prohibiting begging or panhandling on First Amendment grounds since asking for help or aid is protected speech. Case: City of Lakewood v. Willis

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ARE YOUR RIGHTS BEING VIOLATED?

NEVER TALK TO POLICE, THEY ARE ALLOWED TO LIE TO YOU AND ARE NOT LEGALLY OBLIGATED TO PROTECT YOU.

GET A LAWYER.

LEGAL ASSISTANCE

GHC Volunteer Legal
- 1-844-211-6916
- Tcvls.org

CLEAR Legal Hotline
- 1-888-201-1014
- Seniors (60+)
- 1-888-387-7111
- nwjustice.org/get-legal-help

ACLU of Washington
- 206-624-2180
- intake.aclu-wa.org

The Northwest Immigrants' Rights Project
- 1-800-445-5771
- nwirp.org/get-help

Self help legal resources and forms:
- washingtonlawhelp.org
- aclu-wa.org/know-your-rights