

# DISABILITY RIGHTS STRATEGIES FOR UNHOUSED RESIDENTS

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## Introduction

Across the United States, the criminalization of homelessness has intensified. Cities are expanding anti-camping ordinances, conducting large-scale encampment removals, and increasing police involvement in public space management. These practices fall hardest on people with disabilities, who are dramatically overrepresented among unhoused adults nationwide and who face heightened risks when enforcement escalates. National data consistently shows that chronic illness, mobility limitations, psychiatric disabilities, cognitive disabilities, and aging-related impairments are both pathways into homelessness and conditions that make survival on the streets far more dangerous.

Yet disability is rarely centered in policy responses to homelessness—even though disability civil rights laws offer some of the strongest protections available to unhoused residents. Strict relocation deadlines, inaccessible shelter systems, the seizure of medically necessary equipment, and the failure to offer reasonable modifications can all violate the “Americans with Disabilities Act” (ADA), Section 504 of the “Rehabilitation Act,” and the “Fair Housing Act.” Recent case law confirms that, even after the U.S. Supreme Court’s decision in *Grants Pass v. Johnson* narrowed some constitutional arguments, disability rights claims remain a powerful avenue for challenging harmful enforcement practices and securing meaningful accommodations.

This article explains why disability and homelessness are deeply interconnected, how criminalization compounds disability-based inequities, and how federal disability rights laws can be used to protect unhoused people. It provides advocates with updated national data, a summary of recent case law (2023–2025), and practical

strategies to ensure that responses to homelessness respect the rights, needs, and dignity of disabled residents.

## Disability & Homelessness Are Deeply Intertwined

Homelessness in the United States reached a modern high in the [January 2024 Point-in-Time \(PIT\) count](https://tr.ee/Fjf6iU) (<https://tr.ee/Fjf6iU>), with approximately 771,480 people experiencing homelessness on a single night—an 18% increase from the previous year. Roughly 36% were unsheltered, living in places not meant for human habitation. Disabled people make up a strikingly large share of this population: national data indicate that roughly 44–50% of unhoused adults report having a disability, compared to about 16% of the general adult population.

Several structural and systemic factors help explain this disproportionate representation:

**Lack of Affordable Housing:** The primary cause of current levels of homelessness is the unaffordable housing market. ([Record Homelessness Amid Ongoing Affordability Crisis](https://tr.ee/xiWRdp), <https://tr.ee/xiWRdp>), Joint Center for Housing Studies of Harvard University (February 12, 2024). The United States has a shortage of 7.3 million rental homes affordable and available to renters with extremely low incomes—that is, incomes at or below either the federal poverty guideline or 30% of their area median income, whichever is greater ([The Gap: A Shortage of Affordable Homes](https://nlihc.org/gap), <https://nlihc.org/gap>). Only 34 affordable and available rental homes exist for every 100 extremely low-income renter households. Extremely low-income renters face a shortage in every state and major metropolitan area. The lack of affordable and available rental housing presents a particularly onerous barrier to people with disabilities, a community that experience poverty at rates higher than non-disabled people, as discussed below.

**Poverty:** People with disabilities disproportionately live in poverty, creating significant barriers to securing and maintaining housing. In 2023, more than 24% of adults with disabilities lived below the federal poverty line—more than twice the rate of nondisabled adults ([Section 6: Poverty, https://tr.ee/6PnQOoc](https://tr.ee/6PnQOoc)). Many rely on Supplemental Security Income (SSI) benefits to meet basic needs. In an ongoing study, the Technical Assistance Collaborative found that “there is no United States housing market in which a person living solely on [SSI] can afford a safe, decent apartment without rental assistance” ([Priced Out: The Housing Crisis for People with Disabilities, https://www.tacinc.org/resources/priced-out/](https://www.tacinc.org/resources/priced-out/)).

**Inaccessibility:** Affordable housing that is physically accessible and accommodates disability-related needs is extremely scarce (U.S. Dept. Of Housing and Urban Development, “[Worst Case Housing Needs: 2023 Report to Congress, https://tr.ee/gwXaxl](https://tr.ee/gwXaxl)”). The most recent comprehensive structural-accessibility survey estimates that fewer than 5% of homes meet basic accessibility criteria, and just 0.15% are fully wheelchair accessible ([Accessibility of America’s Housing Stock: Analysis of the 2011 American Housing Survey, https://tr.ee/kFrVY7](https://tr.ee/kFrVY7)).

**Discrimination:** Disability is also the most frequently cited basis for housing discrimination complaints in the United States; more than half (55%) of all fair housing complaints in 2024 involved disability discrimination ([2025 Fair Housing Trends Report, https://nationalfairhousing.org/resource/2025-fair-housing-trends-report/](https://nationalfairhousing.org/resource/2025-fair-housing-trends-report/)).

**Health and Support Needs:** Health and support needs play a significant role. Chronic illnesses, psychiatric disabilities, developmental disabilities, and sensory disabilities may come with mobility limitations, reliance on medical equipment, or the need for reasonable accommodations, reasonable modifications, or consistent care. These realities make securing and maintaining housing more difficult—and losing housing far more dangerous.

**Bureaucratic Barriers:** Even when benefits or housing programs exist, delays, denials, and inaccessible administrative systems can interrupt long-term stability.

Taken together, these factors demonstrate that disability is not a marginal aspect of the homelessness crisis but a central structural driver.

## Criminalization Intensifies Harm

Throughout 2024 and 2025, as homelessness rose, many cities responded by increasing encampment abatements, intensifying anti-camping enforcement, and expanding restrictions on sleeping or resting in public spaces. Reporting from statewide and national outlets documented significant growth in sweeps and enforcement activity following the U.S. Supreme Court’s decision in [City of Grants Pass, Oregon v. Johnson, \(https://www.supremecourt.gov/opinions/23pdf/23-175\\_19m2.pdf\)](https://www.supremecourt.gov/opinions/23pdf/23-175_19m2.pdf), with many localities accelerating clearance operations in the months that followed.

These enforcement practices carry profound civil rights and public health consequences, particularly for disabled residents.

**Property loss:** Court filings and advocacy reports show that sweeps routinely lead to the destruction of medications, mobility devices, medical equipment, identification documents, and records—items that are medically necessary and often irreplaceable. See **National Health Care for the Homeless Council’s Impact of encampment sweeps on people experiencing homelessness [Issue brief]** (<https://tr.ee/bO7S57>). Litigation in San Francisco and elsewhere highlights the need for property-protection procedures such as “bag-and-tag” systems to prevent these losses. See, e.g., [settlement \(https://tr.ee/uzJ5u0\)](https://tr.ee/uzJ5u0) in *Coalition on Homelessness, et al. v. City and County of San Francisco, et al.*

**Health Impacts:** Sweeps disrupt medical routines, interrupt access to care, eliminate refrigeration needed for medications, and increase exposure to extreme weather. For individuals with chronic health conditions, weakened immune systems, or psychiatric disabilities, even a single displacement can trigger cascading medical crises. See the **American Public Health Association’s Displacement of encampments: Public health policy brief** (<https://tr.ee/kbdUDc>);

NLIHC's [Research finds increased risk of death and hospitalization associated with encampment sweeps](https://tr.ee/l3MnAp) (<https://tr.ee/l3MnAp>); [Involuntary Displacements-Making a Bad Situation Worse](https://jamanetwork.com/journals/jama/article-abstract/2803840) (<https://jamanetwork.com/journals/jama/article-abstract/2803840>); and [Health Impact of Street Sweeps from the Perspective of Healthcare Providers](https://link.springer.com/article/10.1007/s11606-022-07471-y) (<https://link.springer.com/article/10.1007/s11606-022-07471-y>).

**Practical Barriers:** Policies that require rapid movement, limit allowable belongings, or prohibit storing bedding or tents can be impossible for those who need time, physical assistance, wheelchair-accessible transportation, or the ability to remain close to caregivers or service providers. Recent injunctions—most notably in [Alfred v. City of Vallejo](https://cdn.ca9.uscourts.gov/datastore/memoranda/2025/10/15/25-1658.pdf), (<https://cdn.ca9.uscourts.gov/datastore/memoranda/2025/10/15/25-1658.pdf>)—recognize that failure to consider these needs can violate the ADA.

**Compounded Barriers to Services and Housing:** Frequent displacement disrupts continuity of care, makes it harder to gather documentation needed for benefits or housing applications, and undermines long-term housing stability. When people lose ID or medical records in a sweep, their ability to enroll in programs or prove disability for housing eligibility is directly impeded.

**Criminal Records and Fines:** Arrests or citations for “illegal camping” or related infractions create collateral consequences—criminal records, fines, and barriers to employment or housing—which in turn exacerbate disability-related poverty and instability.

These enforcement practices do not reduce homelessness; they amplify health risks, destabilize lives, and disproportionately affect people with disabilities, often transforming enforcement into disability discrimination in practice and law.

## Disability Laws: A Durable Legal Tool

Despite significant shifts in constitutional doctrine following *Grants Pass v. Johnson*, disability civil rights laws remain among the most powerful and durable tools available to protect unhoused residents from discriminatory enforcement and its myriad harms. The ADA, Section 504 of the “Rehabilitation Act,” and state anti-discrimination statutes continue to impose clear, affirmative obligations on public entities—including cities, counties, and law enforcement—to ensure that their policies and practices do not exclude or disproportionately burden people with disabilities.

- **Americans with Disabilities Act (ADA) – Title II:** Prohibits discrimination by state and local governments, including preventing laws and practices that disproportionately burden people with disabilities.
- **Section 504 of the “Rehabilitation Act”:** Bars discrimination by entities receiving federal funding. Substantively, liability under Section 504 and Title II of the ADA are analyzed similarly. *Pierce v. County of Orange*, 526 F.3d 1190, 1216 n.27 (9th Cir. 2008).
- **State Anti-Discrimination Statutes: For example, Government Code Section 11135 in California** incorporates ADA principles and prohibits disability discrimination by state-funded or assisted programs.

Under the ADA, enforcement activities such as anti-camping ordinances, encampment sweeps, and other policing of public spaces are considered covered “services, programs, or activities,” meaning that public entities must carry out these actions in ways that do not discriminate against people with disabilities. Even when an ordinance does not explicitly target disabled people, it can still violate the ADA if it disproportionately harms them—a concept known as disparate impact.

Because unhoused people with disabilities often cannot comply with rigid relocation timelines or physically demanding requirements, public entities are legally required to provide reasonable modifications to avoid

discrimination. These may include additional time to move, physical assistance, preservation of medications or medical devices, or permitting tents, bedding, or other disability-related equipment. Courts have repeatedly affirmed these obligations, demonstrating that disability civil rights laws remain one of the strongest, yet underutilized, tools for pushing back against the criminalization of homelessness when enforcement practices disproportionately harm disabled people.

Key case examples include:

- **Cooley v. City of Los Angeles, No. 2:18-cv-09053-CAS-PLA, 2019 U.S. Dist. LEXIS 135877 (C.D. Cal. Aug. 5, 2019):** Finding that demanding that a person with a physical disability remove all belongings before a sweep—without offering accommodations—violated the ADA.
- **Coalition on Homelessness v. City and County of San Francisco, No. 4:22-cv-05502 (N.D. Cal. filed Sept. 27, 2022) (stipulated final judgment entered September 22, 2025):** Case asserting ADA claims and highlighting due process protections around property and the critical role of “bag-and-tag” procedures.
- **Prado v. City of Berkeley, No. 3:23-cv-04537 (N.D. Cal. filed Sept. 27, 2023):** Court allowed ADA, Section 504, Fair Housing Act, and constitutional claims to move forward, underscoring the importance of multi-theory litigation.
- **Boyd v. City of San Rafael, No. 23-cv-04085-EMC, 2023 U.S. Dist. LEXIS 188335 (N.D. Cal. Oct. 19, 2023):** the court issued a preliminary injunction after finding that camping-space density restrictions had a disparate impact on unhoused disabled residents who needed proximity to caregivers and support networks.
- **Tyson v. City of San Bernardino, No. 5:23-cv-01539 (C.D. Cal. Aug. 2, 2023) (dismissed Oct. 29, 2024):** Lawsuit resulting in a first-of-its-kind agreement, creating a new citywide policy (<https://tr.ee/D794OC>) on the city’s response to encampments that will prevent the destruction of unhoused people’s personal property and ensure San Bernardino provides reasonable accommodations to unhoused people with disabilities.
- **Disability Rights Oregon v. City of Grants Pass, No. 25CV05989 (Josephine Cnty. Cir. Ct. Jan. 30, 2025):** Disability Rights Oregon secured a landmark settlement requiring the City of Grants Pass to create 150 ADA-compliant camping sites—an example of disability law producing tangible infrastructure changes.
- **Alfred v. City of Vallejo, Nos. 2:24-cv-03317-DC-SCR (E.D. Cal.) (prel. inj. granted Feb. 7, 2025) (9th Cir. dismissal as moot Oct. 15, 2025):** Court halted a sweep for likely failure to provide reasonable accommodations.
- **Housekeys Action Network Denver v. City & County of Denver, No. 1:25-cv-00622 (D. Colo. filed Feb. 25, 2025):** Case challenging discriminatory barriers to shelter access for disabled people.

Together, these cases suggest a post-Grants Pass landscape in which individualized disability claims are often the most effective—and sometimes the only—legal avenue for protecting unhoused disabled residents.

## Best Practices: Disability Informed Advocacy

Effective disability-informed advocacy starts with identifying disability-related needs through trauma-informed screening, including physical, mental health, cognitive, or sensory disabilities and reliance on medical devices or support networks. Advocates should submit reasonable modification requests early, specifying harmful practices and needed adjustments.

Gathering evidence—medical records, mobility limitations, equipment documentation, and past harm—strengthens ADA, Section 504, Fair Housing, and state-law claims. When accommodations are denied, litigation may be necessary to secure relief.

Beyond individual cases, this evidence can drive systemic change. Advocates can push for low-barrier shelters, safe-parking programs, housing-first policies, and anti-displacement measures while building partnerships with disability organizations, service providers, legal aid, and community coalitions to advance rights-based solutions.

The checklist below breaks these principles into concrete actions that advocates can use to identify needs, document harms, and pursue legal and policy remedies.

- Screen for disability and disability-related needs – Use outreach, intake forms or interviews to identify if an unhoused individual has a disability (physical, mental health, cognitive, sensory, etc.) or relies on disability-related devices or support. Recognizing disability is often the first step toward requesting protection under disability law.
- Request reasonable modifications or accommodations early – If a person is subject to a camping ban, encampment sweep, or other enforcement, submit a reasonable modification request to the public entity (city, county, law enforcement). This could include extra time to relocate, assistance with moving items, permission to keep medical equipment or bedding, or alternative accessible shelter/housing options. *A sample request is included below, though it should be noted that requests do not have to be in writing, and can be made verbally, even when a sweep is in progress.*
- When possible, document the impact – Gather evidence of how anti-camping laws or sweeps disproportionately burden the person: medical needs, mobility limitations, reliance on assistive devices, need for proximity to caregivers or services, or challenges caused by frequent displacement. Documentation strengthens claims under ADA/Section 504.
- Use legal action where appropriate – If modifications are denied or accommodations not provided, advocates may bring claims under ADA, Section 504, and state anti-discrimination laws (where available). Courts have previously granted injunctive relief and damages in similar cases.
- Advocate for policy reform – Beyond individual cases, use findings from outreach and litigation to push for structural change: repeal of anti-camping laws, adoption of fair and humane alternatives (safe parking programs, low-barrier shelters, housing-first policies),

protection of disability rights in enforcement, and expanded access to affordable, accessible housing.

- Raise public awareness & build cross-sector coalitions – Engage with disability rights organizations, homeless services providers, public defenders, local government, community groups, and media to show how criminalization disproportionately harms disabled individuals and to build support for rights-based alternatives.

## Sample Reasonable Accommodation Request Letter

[Date]

To:

[Name of Public Agency / Department]

[Address or Email, if known]

**Re:** Request for Reasonable Accommodation During Encampment Enforcement / Relocation

Dear [Agency/Official Name]:

I am writing to request **reasonable accommodations** under the **Americans with Disabilities Act (ADA)** and **Section 504 of the Rehabilitation Act** related to [the planned encampment sweep / enforcement action / relocation order] at [location].

I am a person with a disability. My disability includes:

**[Describe disability or functional limitation in plain terms—for example: mobility limitations, chronic illness, mental health disability, sensory or cognitive disability, reliance on medical equipment, etc.]**

I am providing this information so that you can understand the accommodations I need in order to safely comply with your directives.

Because of my disability, I am **unable to comply with the current relocation requirements** as written. Specifically, I need the following accommodations:

Requested Accommodations (select or customize):

- **Additional time** to pack, organize, or relocate my belongings.
- **Assistance** with moving belongings and/or medically necessary equipment.
- **Permission to stay temporarily in an accessible location** until safe and appropriate shelter or housing is available.
- **Access to an accessible placement** (e.g., ADA-compliant shelter bed, non-congregate placement, accommodation for a service animal, accommodation for medical devices requiring electricity, etc.).
- **Storage of my property**—including medication, mobility devices, important documents, or medical equipment—so it is not lost, damaged, or destroyed.
- **Advance notice** of any enforcement actions in accessible formats (written, verbal, large print, etc.).
- Other accommodations needed because of my disability:

[Describe]

These accommodations are **necessary for me to safely comply** with your policies and to avoid harm resulting from my disability. Without them, I cannot meet the stated deadlines or requirements.

Under the ADA and Section 504, public entities must provide reasonable accommodations unless doing so would fundamentally alter the program or create an undue burden. Please let me know **in writing** if you believe any requested accommodation cannot be provided and please propose any available alternatives that would meet my disability-related needs.

I ask that you respond to this request as **soon as possible**, and before taking any enforcement action that could affect me, my property, or my safety.

You may contact me at:

Phone (if available): \_\_\_\_\_

Email (if available): \_\_\_\_\_

Alternative contact person (optional): \_\_\_\_\_

Thank you for your prompt attention to this ADA accommodation request.

Sincerely,

[Name]

Location: [Encampment location / cross streets]

**Optional Attachment (Advocates May Add):**

- Medical verification letter
- List of medically necessary equipment
- Copy of prior accommodation requests

## Advocate Takeaways

1. Even in the shifting legal environment, disability rights remain among the strongest tools available to advocates. Courts consistently affirm that public entities must consider disability-related needs before conducting sweeps or enforcing camping bans. Documented requests for reasonable modifications—such as extra time, physical assistance, access to medical equipment, or alternative shelter—can trigger legal obligations and often determine the success of a case. Advocates should encourage clients to articulate these needs clearly, even informally.
2. Litigation is most effective when it combines multiple legal theories. ADA and Section 504 claims can be reinforced through Fair Housing Act arguments, Fourth and Fourteenth Amendment claims related to property and due process, and state law claims requiring notice, property storage, and accessible services. Robust documentation—from medical records to descriptions of mobility limitations or reliance on support networks—often plays a decisive role in securing injunctions or settlements.

3. Courts increasingly recognize that sweeps uniquely harm disabled residents through the loss of medical devices, disruption of care, and the trauma of sudden displacement. Advocates should frame these harms explicitly as disability discrimination and emphasize that *Grants Pass* does not diminish ADA protections.
4. Improved data collection—including disability screening, tracking of accommodation requests, documentation of lost medical equipment, and audits of shelter accessibility—is essential for both litigation and policy reform. Cross-sector collaboration with healthcare providers, harm reduction teams, disability service agencies, and legal advocates strengthens documentation and helps tailor modification requests.
5. Engaging municipalities early can lead to meaningful reforms, such as establishing written reasonable accommodation policies, embedding ADA coordinators in homelessness response teams, improving advance-notice procedures, and ensuring safe storage of personal property. While preventing harmful sweeps is urgent, long-term goals should include accessible shelter design, reformed camping ordinances, improved coordinated entry systems, and expanded permanent supportive housing for disabled residents.

disability-conscious advocacy backed by careful documentation, community collaboration, and structural reform. Public entities have clear legal obligations, and advocates have a strong framework for holding governments accountable while advancing housing justice for disabled residents.

## For More Information

For more information on how to use disability rights laws to challenge punitive policing and the criminalization of disabled unhoused people contact: [Disability Rights Education and Defense Fund \(https://dredf.org/\)](https://dredf.org/). To connect with advocates across the nation working to end homelessness and advocate for housing as a human right, visit [Housing Not Handcuffs \(https://housingnohandcuffs.org/\)](https://housingnohandcuffs.org/).

## Conclusion

Criminalizing homelessness does nothing to address its root causes: lack of affordable housing, inadequate shelter capacity, insufficient disability and healthcare supports, deep economic inequality, and systemic ableism. For disabled people, criminalization magnifies instability, worsens health, strips away essential devices and documentation, and entrenches long-term exclusion.

Even after *Grants Pass*, disability rights laws remain powerful. Reasonable modifications can halt harmful sweeps; enforcement that disregards disability can constitute unlawful discrimination; and multi-theory litigation continues to win meaningful protections.

Grounding advocacy in disability civil rights is not only a legally effective strategy—it is a moral imperative. Upholding the dignity, safety, and human rights of unhoused disabled people requires persistent,