



September 9, 2021

Ms. Susan Redford
Executive Director
Texas Association of Counties
1210 San Antonio Street
Austin, Texas 78701-1834

Dear Director Redford:

On behalf of the State of Texas, we write to remind you that House Bill 1925's public camping ban is now in effect on a statewide basis. Local entities like yours should uphold the rule of law by enforcing this public camping ban. Failure to do so could result in costly litigation and denial of state grant funds.

House Bill 1925 bans the kind of homeless encampments that threatened to ruin the City of Austin, making it a Class C misdemeanor to reside with shelter in most public places. *See* TEX. PENAL CODE § 48.05. Local peace officers can arrest a person who violates this public camping ban or issue a citation — but only after connecting that person with available services that will help to climb out of homelessness. *See id.* § 48.05(g).

If a local entity wants to set aside a public place where the homeless are allowed to camp, it must satisfy the Texas Department of Housing and Community Affairs that there is a plan in place for providing mental-health services, law enforcement, and other services for the site and its surrounding area. *See* TEX. PENAL CODE § 48.05(d)(2); TEX. GOV'T CODE § 2306.1123(b). Merely designating a place to camp is not enough. Camping areas must provide access to the tools homeless individuals will need as they move towards stable housing.

Local officials are duty-bound to enforce this public camping ban, as the Legislature made clear in House Bill 1925. *Cf.* TEX. CONST. art. XI, § 5. Specifically, a "local entity may not adopt or enforce a policy under which the entity prohibits or discourages the enforcement of any public camping ban." TEX. LOC. GOV'T CODE § 364.002(a). The only alternative is to implement "a policy that encourages diversion or a provision of services in lieu of citation or arrest." *Id.* § 364.002(c). Either way, local officials have an obligation to protect against the health and safety risks that public camping poses for *all* Texans, homeless or otherwise.

A local entity could face serious repercussions if it impedes enforcement of the public camping ban, whether through "a formal, written rule [or] an informal, unwritten policy." TEX. LOC. GOV'T CODE § 364.001(2). The Office of the Attorney General has been empowered to sue local

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entities for injunctive relief, plus reasonable expenses. *See id.* § 364.003. And if a local entity is found to have violated House Bill 1925, it will lose out on all state grant funds for the following fiscal year. *See id.* § 364.004.

In the coming months, we will be monitoring local entities across Texas to ensure compliance with House Bill 1925. We trust that you will begin enforcing the public camping ban in good faith. Doing so will achieve our shared goal of delivering improved services for the homeless and safer communities for everyone.

Sincerely,

A handwritten signature in black ink that reads "Greg Abbott". The signature is written in a cursive, flowing style.

Greg Abbott
Governor

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive, flowing style.

Ken Paxton
Attorney General