

As Landry clears New Orleans homeless camps, can people be punished for refusing to leave?

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Tyrone Mimitte, right, hurriedly gathers his possessions as Louisiana State Troopers prepare to remove a homeless encampment underneath the Pontchartrain Expressway in downtown New Orleans early in the morning on Wednesday, January 15, 2025. (Photo by Chris Granger, The Times-Picayune)

The decision has been met with outcry from housing advocates, and officials with the New Orleans Office of Homeless Services said it posed a threat to the success of the city's efforts to connect people with long-term housing.

But while the move may seem a jarring step to some, the state is within its power to enforce policing around encampments, experts say. And [a](#)

[recent emergency declaration](#) from Landry in the aftermath of the Bourbon Street attack allows the governor to direct evacuations for parts of a population, make provisions for temporary housing and more.

The state's power

The state's ability to clear homeless encampments in New Orleans is rooted in the state's policing power, according to LSU professor Ryan Stoa, who focuses on constitutional law.

The U.S. Constitution gives states broad power to govern and make laws surrounding safety, public health, morals and general welfare, Stoa said.

The Wednesday sweep also comes after the Louisiana Supreme Court reaffirmed the state's legal and constitutional power to clear encampments [in a recent ruling](#).

Last year, residents of two downtown New Orleans encampments filed a lawsuit after the Landry administration cleared out their camps ahead of the Taylor Swift concert. They claimed the state failed to follow city laws governing the clearing of local homeless camps, which require officials to post a notice in any area they intend to sweep 24 hours in advance.

A lower court initially agreed with the plaintiffs and ruled that the sweeps had to be halted. But the state's Supreme Court justices [overruled that decision](#), writing that halting the clearings "unconstitutionally interferes with the police powers of the State of Louisiana."

While the court's decision doesn't seem to have any effect on Wednesday's operation — as state officials have provided 48 hours notice and allowed residents to take their belongings — it does give the Landry administration further latitude to continue the clearings.

Additionally, governors have the power to initiate emergency declarations during disasters or tragedies that give them more liberty access public funds when it comes to safety and policing.

[In a press release](#), Landry tied the opening of the Gentilly shelter to an executive order he issued on Jan. 1 in the aftermath of the New Year's attack, declaring a state of emergency in New Orleans through the Super Bowl and Mardi Gras.

"This action [the executive order] will also provide emergency funding to assist unhoused persons living in public spaces around the Caesars

Superdome, French Quarter, Interstate 10, and US 90," the statement read.

What about personal rights?

Some homeless residents involved in the state police's sweep refused to board the buses headed to New Orleans temporary shelter. Some were threatened with possible "legal action" and were ultimately told they weren't allowed to stay in the area.

Though state law forbids panhandling, but there is no local or state law that criminalizes sleeping outdoors in Louisiana, so residents can't be detained simply on that basis.

But more broadly, recent U.S. Supreme Court decisions have affirmed states' rights to pass such anti-camping laws. The court's justices held in June that laws banning camping on public property do not violate Eighth Amendment rights against cruel and unusual punishment.

Stoa said the court's decision in the case, known as [Grants Pass v. Johnson](#), has likely emboldened some states to take tougher action against homelessness.

On Wednesday, for example, [Jefferson Parish approved an ordinance](#) banning people to sleep on the streets or camp overnight. The new law, which goes into effect later in January, will allow officials to clear illegal campsites after giving a 24-hour notice. Failure to vacate to result in punishment including community service, fines or jail time.

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