

Case Study: Mitigating the Impacts of Criminalization Through Collaboration in North Dakota

A case study from North Dakota demonstrates how providers and advocates were able to influence policy implementation and funding sources to reduce harm even when they could not prevent the criminalizing ordinances from being adopted.

Community Context

Communities across North Dakota have grappled with increasing public concern about unsheltered homelessness. In response, several municipalities and counties considered or adopted ordinances restricting camping or sleeping in public spaces. While each community's approach differed, local youth-serving organizations, homelessness providers, behavioral health partners, and law enforcement worked together to some extent to try to mitigate the harmful impacts of these policies and promote more effective alternatives.

Across communities, providers focused on educating local officials about the realities of homelessness and the unintended consequences of passing ordinances to criminalize homelessness. Providers emphasized that criminalizing homelessness does not reduce homelessness; instead, it exacerbates it by creating additional barriers to housing, employment, health care, behavioral health services, and long-term stability. Advocates emphasized that citations and displacement do not resolve homelessness, but instead make it more difficult for people to access housing, healthcare, behavioral health services, and case management.

Providers encouraged local governments to engage service organizations before adopting enforcement policies and advocated for outreach-based responses rather than punitive approaches. They also urged communities to invest in housing, prevention, behavioral health,

and outreach rather than relying on enforcement measures that merely displace people experiencing homelessness.

Despite provider advocacy, ordinances were adopted across North Dakota because elected officials faced growing pressure from residents and businesses concerned about visible encampments and public spaces. Law enforcement also sought additional legal tools to respond to complaints, even though many officers expressed little interest in issuing citations or making arrests. In many cases, local officials viewed criminalization as an immediate response to community concerns despite recognizing it would not solve homelessness.

The Criminalization Measures

After *Grants Pass*¹, communities across North Dakota began to respond to unsheltered homelessness by proposing local ordinances prohibiting camping on public property. Although each community took a slightly different approach, providers consistently raised concerns that these measures would criminalize homelessness rather than address its root causes. Providers warned that criminalization would make it harder for people experiencing homelessness to access services and housing while failing to resolve the underlying shortage of affordable housing and behavioral health resources.

Fargo adopted *Camping on Public Property*², an ordinance which prohibits camping or establishing a campsite on public property unless expressly authorized by the City. The ordinance requires that individuals receive a notice to vacate before a campsite is removed and authorizes the City to remove campsites and store personal property for a limited period. As part of negotiations with providers, the City also adopted an accompanying resolution establishing an outreach process in which individuals are first warned and connected with the Downtown Engagement Center³ before citations or enforcement actions occur. While providers did not support the ordinance itself, they viewed the required outreach and warning process as an important harm reduction compromise that reduced the likelihood of immediate enforcement.

Bismarck adopted a Prohibitive Camping Ordinance in 2024 to address encampments in public rights-of-way and other public spaces. Unlike Fargo, local homelessness providers

¹ *City of Grants Pass v. Johnson*, 603 U.S. 520, 144 S. Ct. 2202 (2024). Available at: https://www.supremecourt.gov/opinions/23pdf/23-175_19m2.pdf

² Fargo, N.D., Ordinance 5450 (9, 3, 2024) Available at: <https://mcclibraryfunctions.azurewebsites.us/api/ordinanceDownload/15268/1311876/pdf?forceDownload=true>

³ The city of Fargo Resource & Recovery Center. Available at: <https://fargond.gov/city-government/departments/fargo-cass-public-health/harm-reduction-division/resource-recovery-center>

reported they were not meaningfully consulted during the ordinance's development and testified before the City Commission in opposition. They argued that the ordinance would increase displacement, disrupt outreach, and make it more difficult to connect people experiencing homelessness with housing and services. City leaders and law enforcement maintained that the ordinance was intended to address public safety concerns while providing an enforcement tool to respond to community complaints. The law does not ban sleeping on public property or park benches, as long as it does not involve establishing a formal camp or blocking public access. Before clearing an illegal campsite or confiscating belongings, officers must provide a 24-hour warning notice. Violating the ordinance carries a potential fine up to \$1,500. After the law passed, as a result of providers and advocates voicing concerns, there was investment in research and development of a strategy⁴ to engage and house those experiencing homelessness in Bismarck to prevent their criminalization.

In Minot, the Ward County Commissioner pursued a similar approach after concerns about encampments located on county-owned property. According to local providers, the effort was largely driven by county officials and the Sheriff's Office, with providers brought into conversations only after the policy direction had already been established. While law enforcement later expressed a willingness to collaborate with service providers, the initial process highlighted the importance of engaging homelessness providers early when developing policies that affect people living unsheltered.

Adapting After Passage

Once the ordinances were enacted, providers shifted their focus from preventing passage to minimizing harm and strengthening partnerships. Although providers continued to oppose the criminalization of homelessness, they recognized that collaboration with local government, behavioral health agencies, and law enforcement was essential to reducing the harms experienced by people living unsheltered. For example, in Bismarck, law enforcement developed closer coordination with the regional Human Service Center, whose behavioral health case managers now accompany outreach teams to encampments that law enforcement has identified. Providers also communicate with law enforcement to identify individuals who may already be connected to services and coordinate outreach before enforcement occurs.

⁴ <https://ndlegis.gov/sites/default/files/pdf/committees/69-2025/27.5052.02000bhp10502.pdf> and <https://www.bismarcknd.gov/DocumentCenter/View/49984/FINALRFPTriage-Center?bidId=>

Because North Dakota communities generally have relatively small populations, service providers, behavioral health agencies, and local officials can often communicate directly about individual situations and develop coordinated responses.

Advocating for Alternatives

Rather than relying on enforcement alone, providers consistently advocated for investments in:

- Low-barrier shelter and housing options
- Street outreach and engagement
- Behavioral health services
- Case management
- Coordinated entry and navigation services
- Homeless engagement centers that connect people to resources before enforcement occurs

Fargo's Downtown Engagement Center (for homeless individuals) became an important example of this approach by providing an opportunity for outreach before camps were dispersed.

In Bismarck, conversations have since shifted toward developing a similar engagement center that would combine homelessness services with behavioral health supports. Research has been completed, local planning is underway, and city leaders have expressed support for the concept. The next challenge is securing sustainable funding through a combination of public and philanthropic investments.

Ongoing Challenges

Although citations remain relatively uncommon, providers have observed several unintended consequences following the adoption of camping restrictions. First, many individuals experiencing homelessness have begun avoiding known locations to reduce contact with law enforcement, making outreach significantly more difficult. Rather than remaining near drop-in centers or emergency shelters where providers can consistently engage them, many people are sleeping in more isolated and potentially dangerous locations. Also, providers report that they now spend considerably more time locating individuals as encampments move frequently in response to enforcement efforts. This constant displacement disrupts relationships with case managers and delays connections to housing and services. At the same time, some neighborhood concerns have simply shifted geographically as people relocate to less visible areas without access to restrooms or sanitation facilities.

Early Results

The experience in North Dakota reinforces that criminalization is not an effective solution to homelessness. Communities have not reduced homelessness by criminalizing people experiencing homelessness; instead, progress has come through stronger collaboration and increased investments in outreach, behavioral health, and housing.

In communities where communication has improved:

- Law enforcement is often able to connect outreach teams before enforcement occurs.
- Behavioral health professionals participate in outreach to individuals living outdoors.
- Citations and arrests remain relatively rare.
- Local leaders have begun recognizing that long-term investments in engagement, behavioral health, and housing are necessary complements to any strategy to reduce homelessness.

Perhaps most importantly, communities are increasingly acknowledging that moving people from one location to another does not address the underlying causes of homelessness or resolve homelessness for individuals.

Lessons Learned

Several important lessons have emerged from North Dakota's experience:

- Criminalization does not solve homelessness and often exacerbates it by increasing barriers to housing, employment, health care, and supportive services while disrupting relationships with outreach providers.
- Early collaboration among local government, providers, and law enforcement yields better outcomes than developing ordinances without input from providers and lived experience.
- Harm reduction strategies, such as requiring outreach before enforcement, can lessen the immediate harms of criminalization.
- Behavioral health providers are essential partners in outreach efforts.
- Visible homelessness may decrease in one location while increasing in less safe or less visible areas, making outreach more difficult.

Advice for Other Communities

Communities should oppose ordinances and policies that criminalize homelessness as a primary response to people experiencing homelessness. Criminalization is not a solution to homelessness; it exacerbates homelessness by creating additional barriers to housing, employment, health care, and supportive services while pushing people experiencing

homelessness further from the outreach and resources they need to achieve housing stability. Communities should instead prioritize investments in affordable housing, prevention, behavioral health care, and outreach that address the root causes of homelessness.

At the same time, communities have a responsibility to respond to legitimate public health and safety concerns in shared public spaces. The most successful communities are not those that choose either enforcement or services—they are the communities that intentionally coordinate enforcement, outreach, behavioral health, housing, and prevention so that enforcement becomes the last step rather than the first.

If local governments nevertheless pursue camping ordinances or other enforcement measures, homelessness providers, behavioral health agencies, people with lived experience, and other community partners should be meaningfully engaged from the earliest stages of policy development. Their expertise is essential to identifying approaches that protect public safety while minimizing harm and connecting people to housing and services.

Homelessness providers should continue to advocate against policies that unnecessarily criminalize homelessness throughout the policymaking process. At the same time, if these measures are enacted despite those efforts, providers should remain engaged rather than disengage. Building and maintaining partnerships with local government, law enforcement, behavioral health providers, and other stakeholders can help reduce harm through coordinated outreach, advance notice before enforcement, diversion to services, and stronger connections to housing, behavioral health care, and case management.

Communities need the ability to respond to legitimate public safety concerns, but enforcement should be the last tool used—not the first. Every enforcement action should, whenever feasible, be paired with meaningful opportunities for outreach, behavioral health support, and housing navigation.

Ultimately, enforcement alone cannot end homelessness. Sustainable progress requires long-term investments in affordable housing, supportive services, behavioral health care, prevention, and coordinated outreach. Communities achieve better outcomes when their response prioritizes helping people resolve their homelessness—not simply moving them from one location to another.