

119TH CONGRESS
1ST SESSION

H. R. 4182

To prohibit the criminalization of homelessness on Federal public lands.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2025

Ms. JAYAPAL (for herself, Mr. FROST, Ms. ANSARI, Ms. GARCIA of Texas, Mr. JOHNSON of Georgia, Ms. LEE of Pennsylvania, Mr. MCGOVERN, Ms. NORTON, Mrs. RAMIREZ, Ms. SCHAKOWSKY, Mr. THANEDAR, Ms. TLAIB, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, and Mr. GARCÍA of Illinois) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Oversight and Government Reform, Natural Resources, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the criminalization of homelessness on Federal public lands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Housing not Hand-
5 cuffs Act of 2025”.

1 **SEC. 2. PROHIBITED ACTIVITIES.**

2 (a) PROHIBITION.—A Federal agency may not im-
3 pose a penalty on a homeless individual for a permitted
4 use of public land as described under subsection (b).

5 (b) PERMITTED USE OF PUBLIC LANDS.—A home-
6 less individual may—

7 (1) conduct life sustaining activities on public
8 land;

9 (2) use and move freely in places of public ac-
10 commodation (as such term is defined in section 201
11 of the Civil Rights Act of 1964 (42 U.S.C.
12 2000a(b));

13 (3) solicit, share, accept, or offer food, water,
14 money, or other donations;

15 (4) store their possessions and enjoy privacy in
16 their personal property to the same degree as prop-
17 erty in a private dwelling, which shall not be subject
18 to unreasonable search and seizure;

19 (5) pray, meditate, worship, or practice religion;

20 (6) occupy a lawfully parked motor vehicle or a
21 recreational vehicle; and

22 (7) relocate a motor vehicle or recreational vehi-
23 cle being used for life sustaining activities before a
24 citation is issued or the vehicle is towed, retrieve
25 items from a towed vehicle, and retrieve the vehicle

1 from storage at a free or reduced rate upon consid-
2 eration of ability to pay.

3 (c) EXCEPTION.—The permitted use under sub-
4 section (b)(1) shall not be a permitted use if there is ade-
5 quate alternative indoor space available as described under
6 subsection (d).

7 (d) ADEQUATE ALTERNATIVE INDOOR SPACE DE-
8 SCRIBED.—

9 (1) IN GENERAL.—Adequate alternative indoor
10 space—

11 (A) is a space that—

12 (i) is legally and physically accessible
13 to the homeless individual;

14 (ii) does not require the homeless in-
15 dividual to sacrifice any other right af-
16 forded to them under Federal, State, or
17 local law; and

18 (iii) is available indefinitely to the in-
19 dividual without requiring daily reapplica-
20 tion, at no charge, and must accommodate
21 any disabilities, as well as pets, partners
22 (whether legally married or not), family
23 members, other support persons, and pos-
24 sessions the individual wishes to bring with
25 them;

1 (B) may be a tiny home or similar struc-
2 ture that includes—

3 (i) locking doors;

4 (ii) appropriate climate control mecha-
5 nisms based on the location of the home or
6 structure; and

7 (iii) sanitary and cooking facilities or
8 is a part of a community with common
9 sanitary and cooking facilities; or

10 (C) may be a permitted parking area that
11 includes sanitary facilities.

12 (2) JURISDICTION.—An adequate alternative in-
13 door space in another jurisdiction shall only be
14 deemed an adequate alternative indoor space for the
15 homeless individual if transportation is made avail-
16 able, at no cost to the individual, to ensure the indi-
17 vidual can continue to attend to any personal or pro-
18 fessional business.

19 (e) ENFORCEMENT.—

20 (1) ATTORNEY GENERAL.—The Attorney Gen-
21 eral may bring a civil action in an appropriate dis-
22 trict court of the United States against a govern-
23 ment official who violates subsection (a) for equi-
24 table relief, including temporary, preliminary, or per-

1 manent injunctive relief and costs described under
2 paragraph (3).

3 (2) PRIVATE RIGHT OF ACTION.—Any indi-
4 vidual harmed by an violation of subsection (a) may
5 bring a civil action in an appropriate district court
6 of the United States against a government agency or
7 official that violates subsection (a) for equitable re-
8 lief, including temporary, preliminary, or permanent
9 injunctive relief and costs described under paragraph
10 (3).

11 (3) COSTS.—With respect to an action brought
12 under paragraph (1) or (2), the court shall award
13 costs of litigation, as well as reasonable attorney’s
14 fees, to any prevailing plaintiff. A plaintiff shall not
15 be liable to a defendant for costs or attorney’s fees
16 in any non-frivolous action under this section.

17 (f) NECESSITY DEFENSE.—

18 (1) IN GENERAL.—It shall be an affirmative de-
19 fense for a homeless individual charged with any vio-
20 lation of law criminalizing a life-sustaining activity,
21 that the individual had no access to an adequate al-
22 ternative indoor space in which to undertake the
23 prohibited conduct.

24 (2) DUTY.—The appropriate court shall notify
25 the individual of the availability of the affirmative

1 defense under paragraph (1). There shall be a rebut-
2 table presumption that adequate alternative indoor
3 space was not available to the homeless individual.

4 (g) RULES OF CONSTRUCTION.—

5 (1) IN GENERAL.—A court shall liberally con-
6 strue any provision of this Act to effectuate the pur-
7 poses of the Act.

8 (2) RULE OF CONSTRUCTION.—Nothing in this
9 Act shall be construed to authorize Federal, State,
10 or local government to interfere with an individual's
11 right to be free from facing punishment for a hous-
12 ing status condition, or to diminish or in any way
13 negatively affect an individual's constitutional right
14 be free from cruel and unusual punishment, or to
15 displace any other remedy for violations of the indi-
16 vidual's constitutional rights.

17 (h) DEFINITIONS.—In this section:

18 (1) HOMELESS INDIVIDUAL.—The term “home-
19 less individual” shall have the meaning given such
20 term in section 103 of the Stewart B. McKinney
21 Homeless Assistance Act (42 U.S.C. 11302).

22 (2) HOUSING STATUS.—The term “housing sta-
23 tus” means the actual or perceived status of having
24 or not having housing, or being at risk of being
25 homeless.

1 (3) LIFE SUSTAINING ACTIVITIES.—The term
2 “life sustaining activities” includes moving, resting,
3 sitting, standing, lying down, sleeping, protecting
4 oneself and personal property from the elements,
5 eating, and drinking.

6 (4) CARS.—The term “cars” shall have the
7 meaning given the term “motor vehicle” under sec-
8 tion 17101 of title 40, United States Code.

9 (5) PUBLIC LAND.—The term “public land”
10 means any property that is owned or leased, in
11 whole or in part, by the United States, including
12 areas adjacent to Federal property upon which there
13 is an easement for public use and that is held open
14 to the public, such as plazas, courtyards, parking
15 lots, sidewalks, public transportation facilities and
16 services, public buildings, underpasses and lands ad-
17 jacent to roadways, and parks, such as those defined
18 or administered under titles 23, 36, 43, or 50 of the
19 Code of Federal Regulations.

20 (6) RECREATIONAL VEHICLE.—The term “rec-
21 reational vehicle” has the meaning given such term
22 in section 3282.15 of title 24, Code of Federal Reg-
23 ulations (as defined on the date of the enactment of
24 this Act).

○