

# Denver County Court judge says the city's urban camping ban is unconstitutional

*By Denverite Staff*

The city is planning on appealing the decision.



A Denver County Court judge on Friday ruled the city's controversial camping ban unconstitutional, according to a release from attorneys representing homeless advocates.

Denver County Judge Johnny Barajas found the ban to be unconstitutional under the Eighth Amendment, which prohibits "cruel and unusual punishment," and said it violates both the U.S. and Colorado constitutions. The [decision](#) was released by Attorney Andy McNulty.

The camping ban's challenge was lodged by Jerry Burton, an advocate for people

experiencing homelessness who has lived on and off the streets of Denver for a decade. McNulty is Burton's attorney.

"I hope they see the writing on the wall and recognize that these camping bans violate the constitution and violate human decency," McNulty told Denverite on Friday. "The answer to homelessness in Denver and Colorado is not criminalization, it is housing, it is resources, it is ensuring those most marginalized in our society have the ability and dignity to pull themselves up."

Ryan Luby, a spokesperson for the City Attorney's Office, issued a brief statement on Friday evening: "We disagree with the ruling and plan to appeal to District Court."



*Kevin J. Beaty*

Testimony for the case ended in October. Barajas sided with Burton and noted in his

decision that people experiencing homelessness have “historically been subjected to discrimination, that the homeless have a transitory trait that is highly visible, that given their lack of income and lack of permanent shelter they have been disadvantaged historically.”

The decision mentions the May ballot measure that sought to overturn the city's camping ban. That measure was soundly [rejected](#).

Homeless Out Loud organizer Terese Howard, who helped put the measure on the city's ballot, said she hopes this ruling makes the city council “get off their asses” and repeal the law. She said the judge's decision is what advocates have been “saying all along.”

“It is a huge relief and just a huge moment here,” Howard said.