

Time for Tucsonans to File Compensation Claims

The Arizona Supreme Court last week declined to review a lower court judgment that found the City of Tucson engaged in a “public nuisance” when it deliberately refused to enforce laws against homeless encampments. That case was brought by a group of property owners who suffered from damage to their property resulting from the city’s decision to allow the homeless to live in tents in Navajo Wash, a park in the middle of a residential neighborhood. People living in the park set fires, engaged in violent fights, and urinated and defecated on the ground. Yet rather than enforce laws protecting public health and safety, the city adopted what it called a “three tier protocol” for dealing with homeless encampments—a protocol that amounted to permission for people to live in the park illegally.

A trial court ruled against the property owners, but the Arizona Court of Appeals [reversed that decision](https://caselaw.findlaw.com/court/az-court-of-appeals/117318943.html) (<https://caselaw.findlaw.com/court/az-court-of-appeals/117318943.html>), holding that the “record is replete with testimony of specific incidents which proved that camping in the Navajo Wash has caused unsanitary and indecent conditions that invade the rights of the neighboring residents and business owners,” and that “because the City knew the activity of homeless camping in this location was being carried on and that it repeatedly and continually caused a nuisance, yet consented to it anyway,” the city had engaged in a public nuisance and was liable. On Friday, the state Supreme Court turned away the city’s effort to appeal that decision.

Coming on the heels of a similar ruling against Phoenix—which maintained the nation’s largest homeless encampment in “The Zone” (<https://www.goldwaterinstitute.org/policy-report/homelessness/>) for several years—the decision is welcome news for Tucsonans but who have suffered injuries as a result of city officials refusing to enforce laws prohibiting public camping and similar hazards.

In fact, it’s welcome news for all Arizonans. Last year, voters overwhelmingly approved Proposition 312, an initiative that provides a tax credit for property owners who are forced to take steps to defend themselves when the government ignores its obligation to enforce these laws. Under that initiative, home and business owners are entitled to reimbursement if they have to install protective bars or video cameras, or take other steps to defend their property from a “public nuisance” like took place in Navajo Wash.

You or someone you know may be entitled to reimbursement under Prop. 312. You can find out how to seek such a payment by [clicking here](https://www.goldwaterinstitute.org/prop312claims/) (<https://www.goldwaterinstitute.org/prop312claims/>), and by filling out an “application for reimbursement for nuisance mitigation expenses,” [here](https://prop312reimbursement.aztaxes.gov/) (<https://prop312reimbursement.aztaxes.gov/>).

Unfortunately, property owners in other states aren’t necessarily protected by the law the way Arizonans are. Just months ago, the Utah Supreme Court held that Salt Lake City was [immune from the nuisance laws](https://law.justia.com/cases/utah/supreme-court/2025/20240346.html) (<https://law.justia.com/cases/utah/supreme-court/2025/20240346.html>) when its leaders allowed homeless encampments throughout that city to harm local property owners. Fortunately, other states can follow Arizona’s lead and take steps to protect their own citizens, too, by adopting our [Safe Neighborhoods Act](https://www.goldwaterinstitute.org/wp-content/uploads/2025/09/SFA-One-Page-and-Language.pdf) (<https://www.goldwaterinstitute.org/wp-content/uploads/2025/09/SFA-One-Page-and-Language.pdf>).

Homelessness is a tragic and frustrating issue. But policies that leave people living on the streets aren’t the answer. Instead, they only create a new set of victims: the innocent taxpayers who must pay for police protection that they don’t receive. The time has come for city officials to shoulder their responsibilities—instead of forcing homeowners to shoulder the costs.

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[Learn more from Goldwater at Arizona’s Prop 312: How Property Owners Can Qualify for Relief.](https://www.goldwaterinstitute.org/prop312claims/)
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