

Illegal to be Homeless

The Criminalization of Homelessness in
U.S. Cities

**NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY**

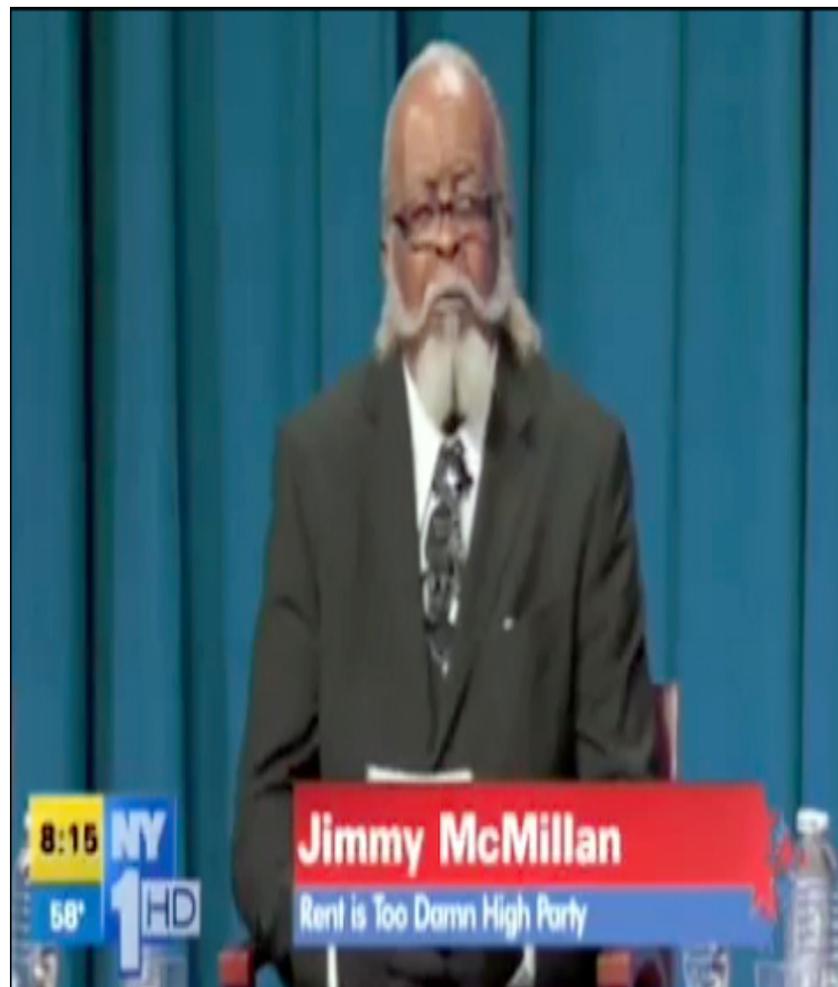


NO SAFE PLACE

The Criminalization of Homelessness in U.S. Cities

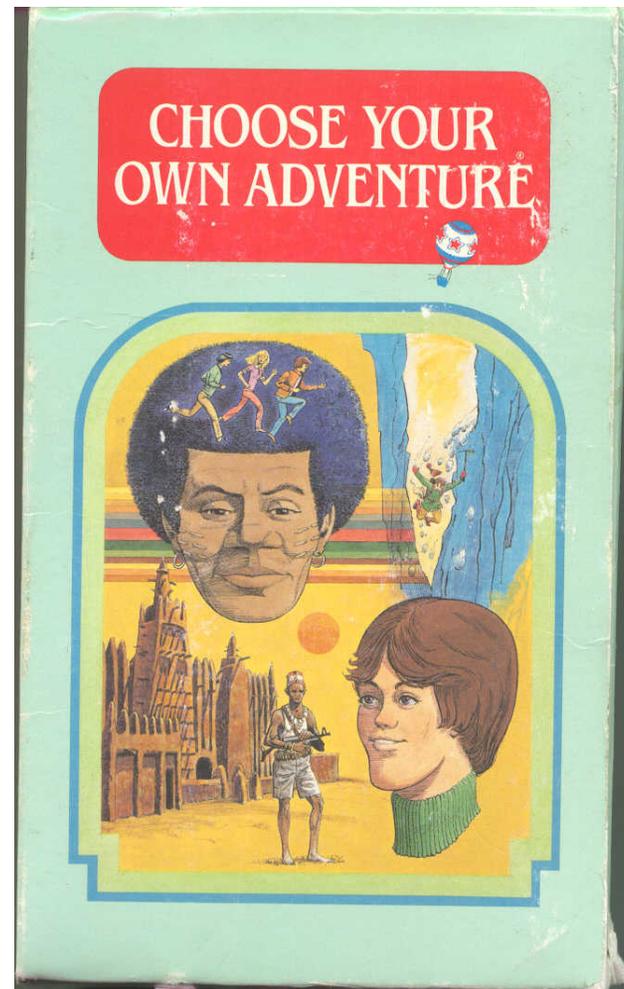
Affordable Housing Crisis

- Average rents have increased for 23 straight quarters, and were 15.2% higher in 2014 than in 2009
- 7 million unit shortage of affordable rental housing available to ELI households
- Loss of 10,000 federally subsidized units each year
- Only 1 in 4 eligible households receive assistance
- Over half of all renters and 75% of ELI households are cost burdened
- Rise in visible homelessness

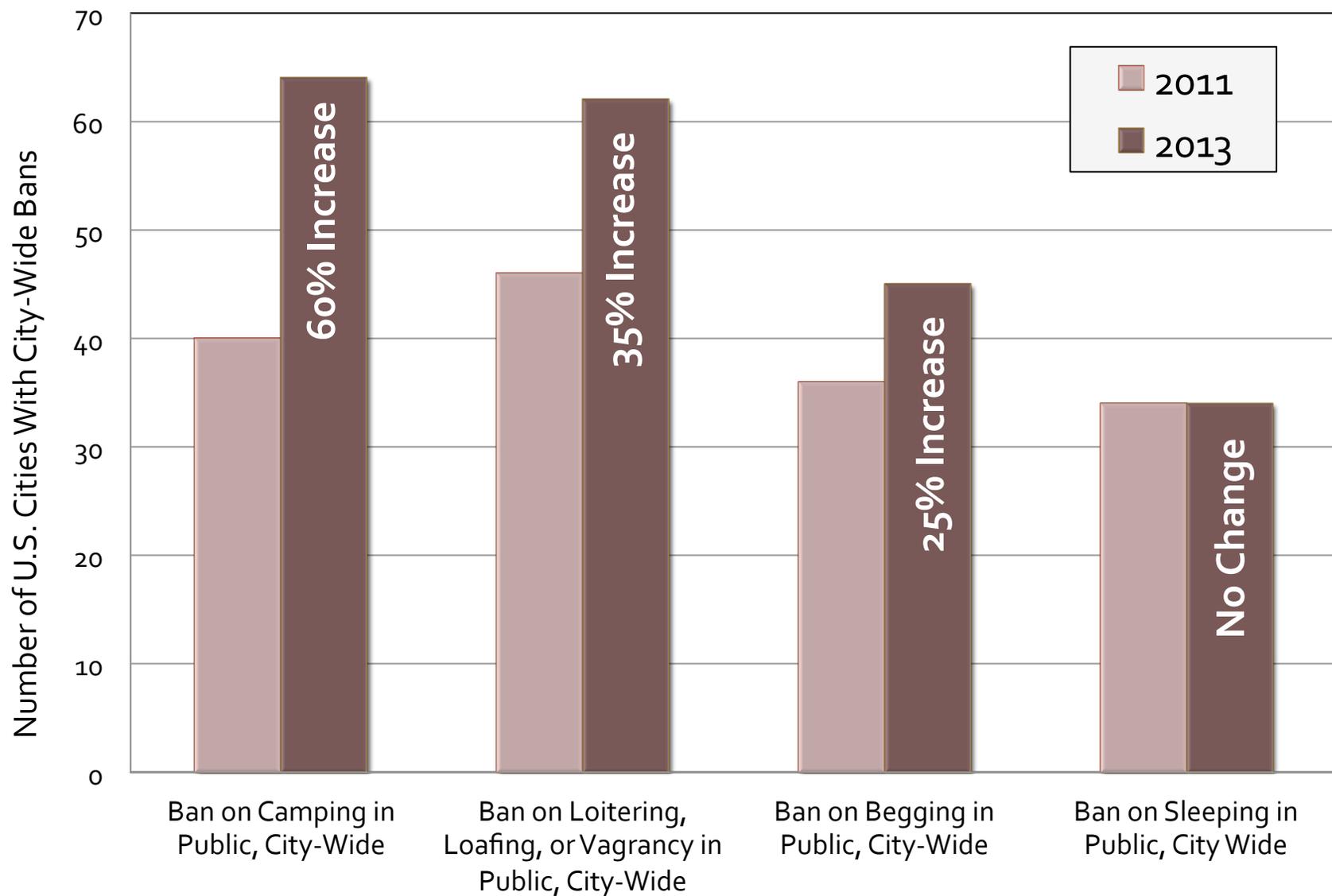


Choose Your Own Nightmare

- Homeless veteran
- Domestic violence survivor with small children
- LGBTQ youth
- Mentally ill person

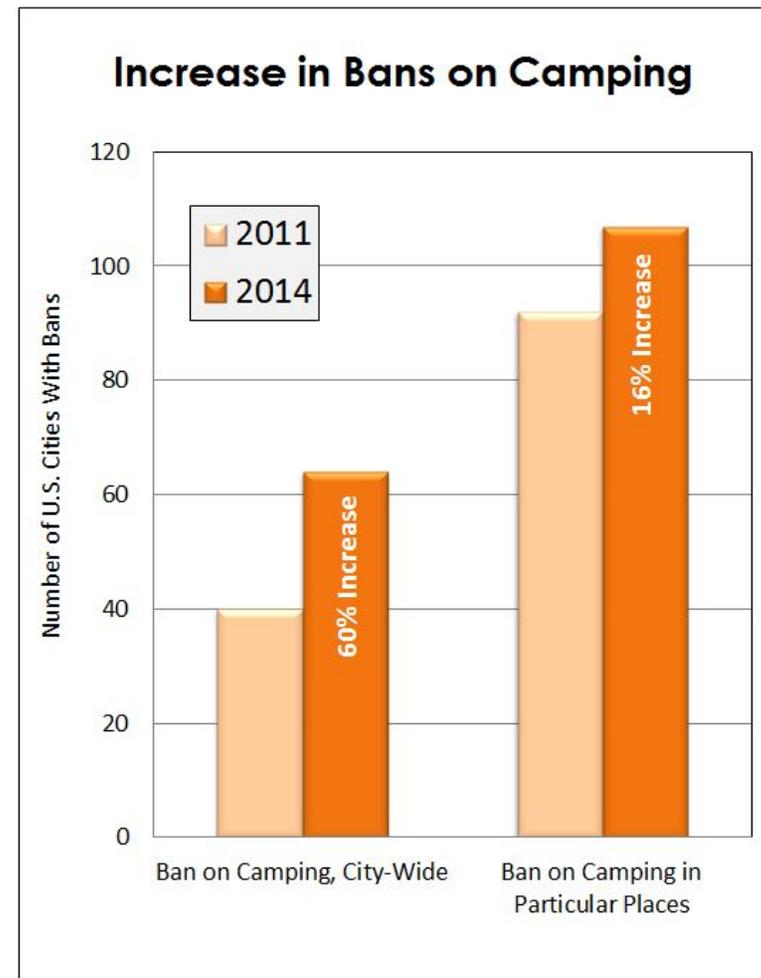


Trends Show Overall Increase in City-Wide Bans



Camping in Public

- 60% increase in city-wide bans on camping in public
- “Camping” is broadly defined
 - Indicia of camping
 - Sleeping outside
- Can govern use of public and private property
- Violates 8th Amendment protection against cruel and unusual punishment



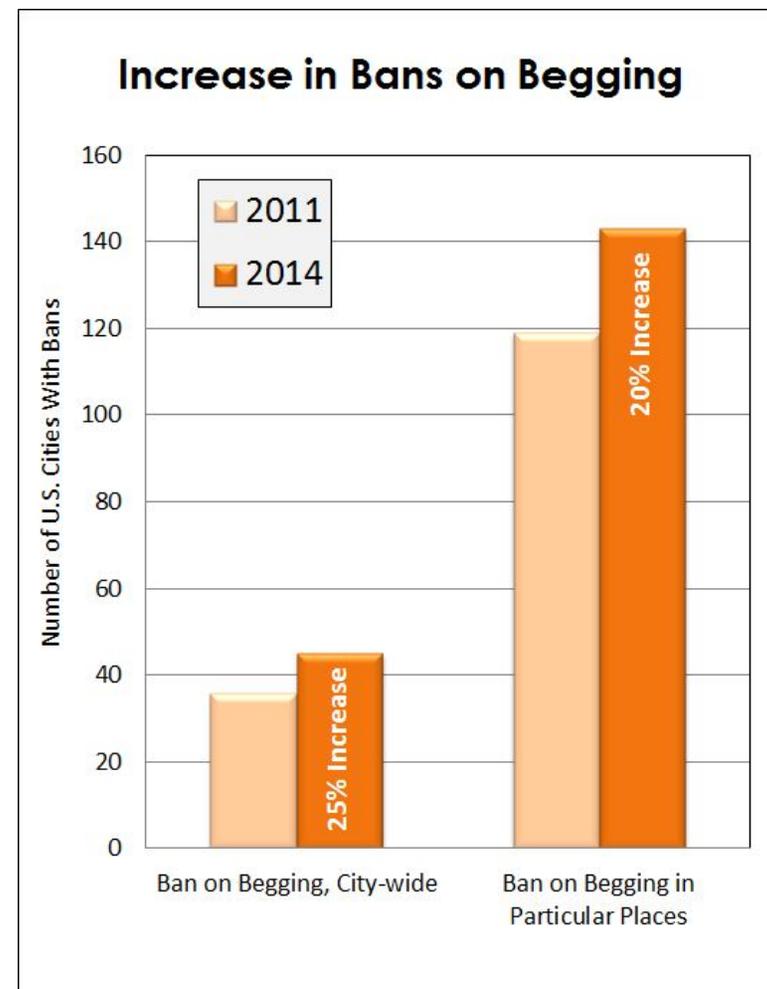
DOJ Statement of Interest Brief: *Bell v. Boise*

- “It should be uncontroversial that punishing conduct that is a universal and unavoidable consequence of being human violates the Eighth Amendment... Sleeping is a life-sustaining activity —i.e., it must occur at some time in some place. If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless.”
- *Bell* case dismissed on standing grounds, but appeal to the 9th Circuit is pending
- Positive impact across the country



Panhandling

- 25% increase in city-wide bans on begging in public
- Need for access to cash
- Common restrictions:
 - Broad definition of “aggressive” panhandling
 - Buffer zones
 - Restriction of vocal requests



Successful Challenges to Panhandling Laws



- *Reed v. Town of Gilbert*
- When is a regulation content based?
- Content-based restriction subject to strict scrutiny
- Viewpoint discrimination one form of content-based discrimination
- Since Reed, anti-panhandling laws have since been struck down in the 1st, 7th, and 10th Circuits

Sitting and Lying Down

- 43% increase in laws prohibiting sitting and lying down in public
- Overlap with trespass laws can result in banishment
- No evidence that sit/lie laws improve economic activity in a community
- Costly to implement and enforce



Criminalization Laws Are Expensive

- Wastes taxpayer dollars by temporarily cycling people through the costly criminal justice system
- Exposes cities to expensive litigation
- Threatens availability of federal funding
 - HUD NOFA & CoC funding
 - \$1.9 billion in federal homeless assistance grants
 - Granted up to 2 points to CoCs that have implemented specific strategies to prevent criminalization



Cost of Criminalization vs. Housing



- Economic Roundtable study of Los Angeles County
 - 10,000 homeless vs. 1,000 in housing program
 - 41% cost savings
- Central Florida Commission on Homelessness
 - Tracked homeless people over 10 year period
 - 68% cost savings per person each year
- Seattle University School of Law
 - Less than half of ordinances enforced in Seattle & Spokane over 5 year period
 - \$3.7 million redirected toward housing could save estimated \$11 million

Housing First

- Federal policy shift over past decade
- Proven strategy for ending homelessness
- Removes unnecessary barriers to housing
 - Sobriety
 - Compliance with services
 - Criminal records
- Supportive services provided as necessary



Lessons from Effort to End Veteran Homelessness

- Multiple national initiatives:
 - Mayor's Challenge
 - Zero:2016
- Effective Strategies:
 - Broad stakeholder engagement
 - Government, PHAs, law enforcement, philanthropy, landlords, etc.
 - Collaboration
 - Data Sharing
 - Outreach & By Name Lists
 - Prioritization



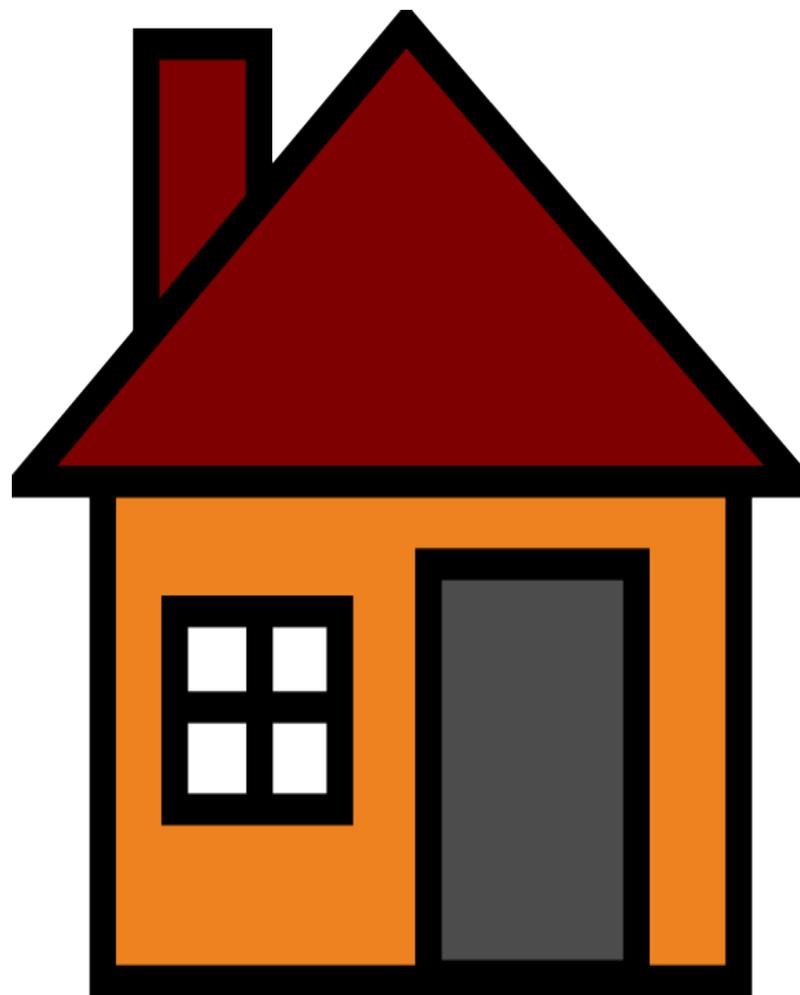
Improved Law Enforcement Practices

- Police can be allies
- Improved police training
 - Washington, DC
 - Rhode Island
- Homeless Outreach Teams
- Communication between departments of government
 - Tacoma, WA
 - Problems in Miami Beach, FL



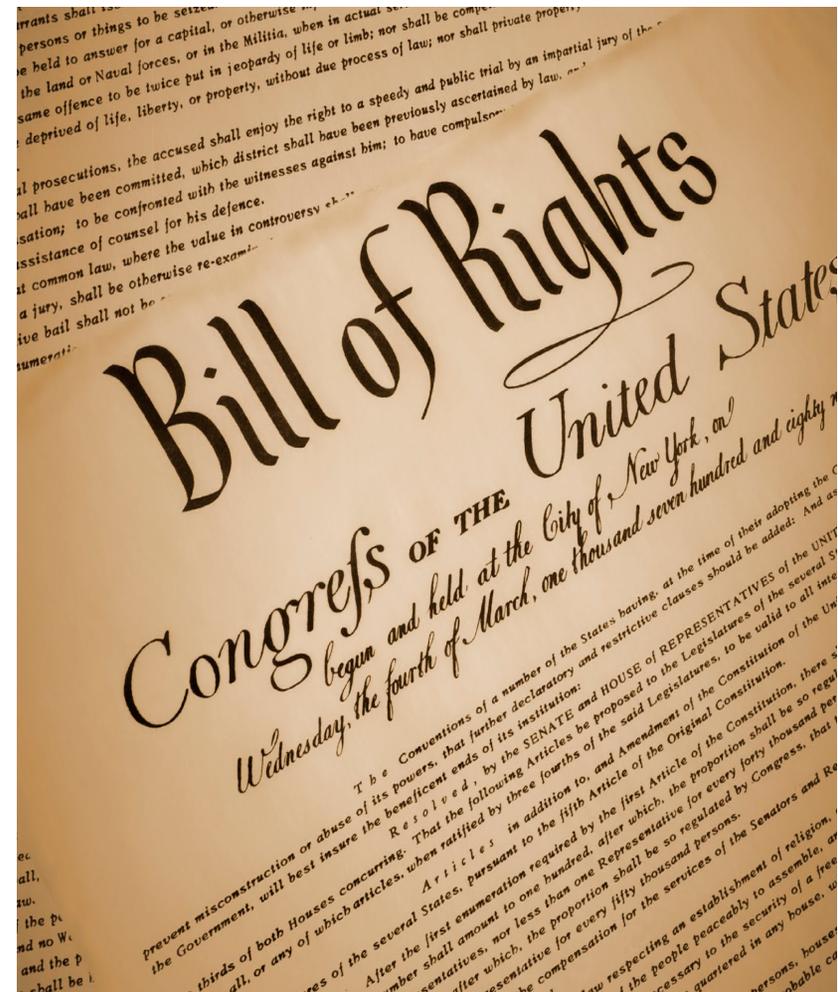
Increase Access to Affordable Housing

- Federal Government \$
 - National Housing Trust Fund
 - Title V of McKinney-Vento Homeless Assistance Act
- Dedicated funding streams at state & local levels
 - Miami-Dade Homeless & Domestic Violence Tax
- Remove barriers to rental housing
 - Landlord programs
 - Source of income discrimination



Homeless Bills of Rights

- Rhode Island, Connecticut, Illinois
 - Move freely in public places
 - Equal treatment by government agencies
- Right to Rest Act
 - California & Oregon
 - Prohibit localities from criminalizing acts of rest
- Indianapolis, IN
- Homeless as protected class
 - Madison, WI
 - Washington, DC



How Can You Get Involved?

- Report and/or litigate violations of homeless persons' civil rights
- Oppose criminalization laws and practices at the local level
- Support legislation that would prohibit criminalization and promote constructive alternatives
- Join our campaign!



Contact Information

Tristia Bauman
Senior Attorney
tbauman@nlchp.org
202-638-2535 ext. 102

www.nlchp.org

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