

Criminalization of Homelessness in U.S. Cities

Summary of
Housing Not Handcuffs 2019
(National Law Center on Homelessness and Poverty)

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Housing Not Handcuffs 2019

- Published in December 2019 by National Law Center on Homelessness & Poverty
- Examined the city codes of 187 urban and rural cities across the country
- Provides an overview of criminalization measures in effect across the country
- Reviews trends in the criminalization of homelessness tracked since 2006
- Offers constructive alternative policies to criminalization laws and practices

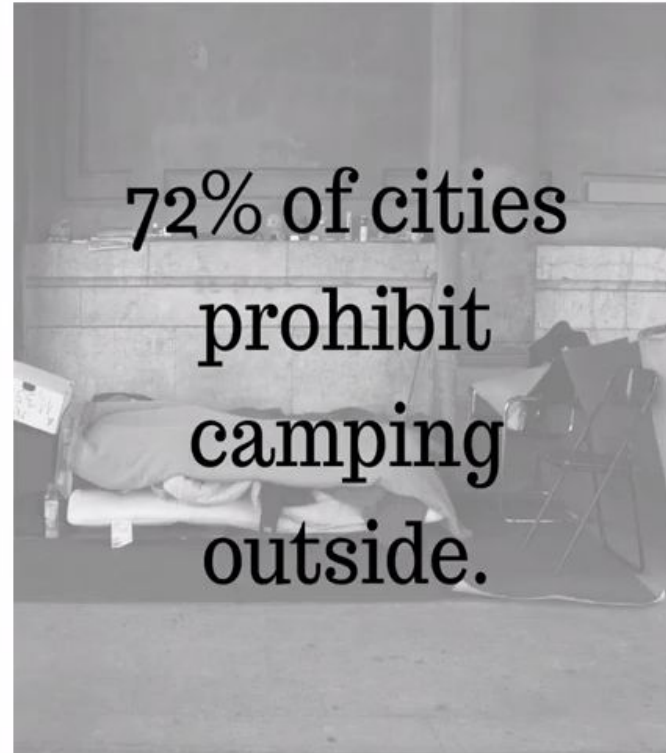
Background: Causes and Effects of Homelessness

- Rising rents, stagnant wages, historically low rental vacancy rate, and the severe decline of federally subsidized housing have led to a critical shortage of affordable housing units.
- Housing cost burdens and evictions cause homelessness.
- People without housing lack options for meeting their basic human needs for rest and shelter.

Types of Criminalization Policies

Camping Bans

- “Camping” bans are often written to cover a broad range of activities
 - Sleeping outside
 - Using blankets, etc.
 - Using a tent, etc.
 - Resting in a single location
- 72% of surveyed cities restrict camping in public
 - 37% of cities ban camping citywide
 - 92% increase
 - 57% ban camping in particular public places
 - 70% increase
- Sometimes enforced as sleeping bans
 - *A Year Without Sleep* by ACLU of Colorado and Law Center
 - Durango, CO
- 9% of cities restrict camping/sleeping on public and private land
 - Glendale, AZ



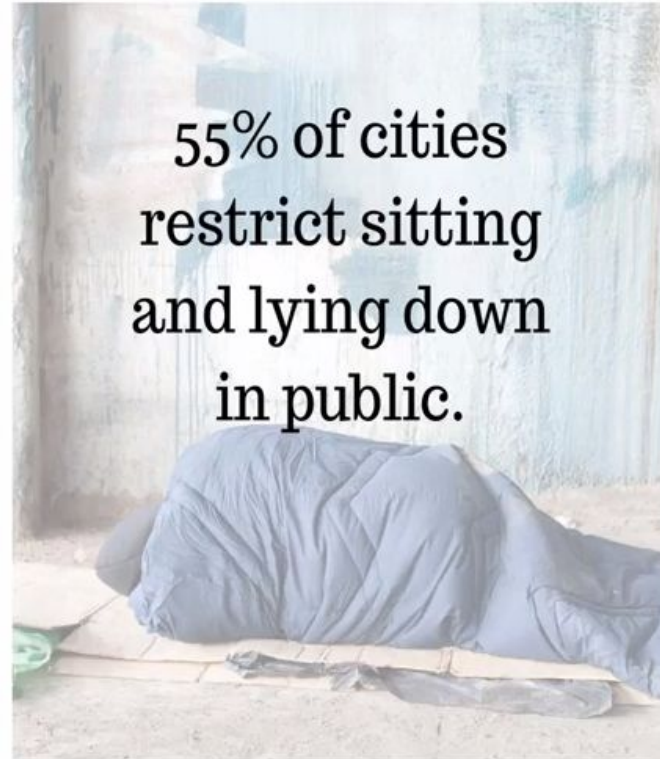
Sleeping Bans



- Sleeping is unavoidable survival activity
- Sleeping and/or “preparing” to sleep
 - Atlanta, GA
- 51% of surveyed cities have at least one law restricting sleeping in public
 - 21% of cities ban sleeping in public citywide
 - 50% increase
 - 39% of cities ban sleeping in particular public places
 - 29% increase
- Sleeping bans during certain times of day
 - Louisville, KY
- Lack of adequate alternatives

Sitting and Lying Bans

- Sitting or lying down are unavoidable resting activities
- 55% of cities restrict sitting and/or lying down in public
 - 78% increase
- 7% of surveyed cities prohibit sitting or lying down *anywhere* in public space
- Sit/lie bans
 - Honolulu, HI
- Obstruction of sidewalks, etc.
 - Richmond, VA
- No effect on economic activity



Begging Bans

- Need \$ for food, public transportation, medication, etc.
- Protected speech
- 83% of surveyed cities restrict begging
 - 38% have citywide bans
 - 65% have bans in particular places
- Vocal solicitations
 - Springfield, IL
 - *Norton v. Springfield*
- Permits
 - St. John's County, FL
 - *Vigue v. Shoar*
- "Aggressive" panhandling
- Buffer Zones
 - Lafayette, LA



Loitering, Loafing, Vagrancy Bans



- 35% of cities ban loitering, loafing, and/or vagrancy citywide
 - 103% increase
- 60% of cities ban loitering, loafing, and/or vagrancy in particular public places
 - 28% increase
- Wide range of innocent activities
- Vague descriptions of prohibited conduct
 - Toledo, OH
- Selective enforcement
- Allows disfavored groups to be excluded from public space
 - Jim Crow, Anti-Okie, Ugly laws, etc.

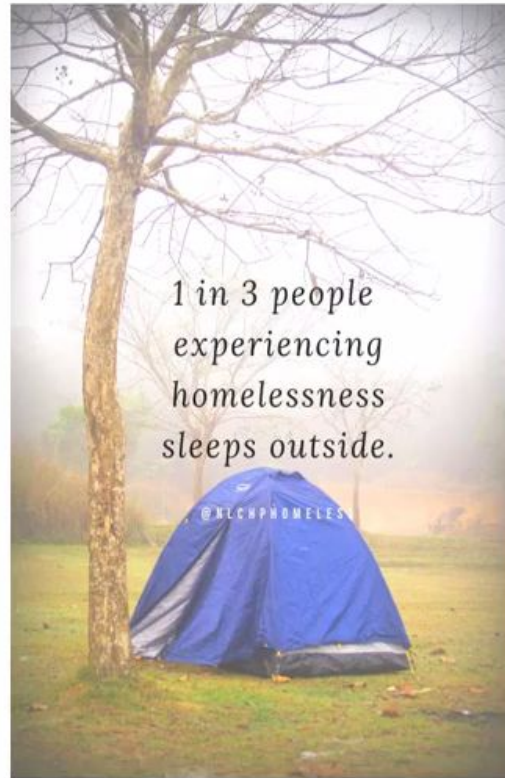
Restrictions on Living in Vehicles



- Vehicles as “housing” of last resort
 - Privacy
 - Security
 - Regular access to shelter
 - Autonomy
- RVs offer toilets, showers, cooking facilities, lighting
- 50% of cities have one or more laws restricting living in vehicles
 - 213% increase
- vehicle as shelter
 - Las Vegas, NV
- Parking
 - *Bloom v. City of San Diego*
 - 72-hours
- Tickets
- Tows and impound
- Permanent loss of property
- Increases likelihood of tent use

Other Criminalization Policies

- **Laws restricting food sharing**
 - 9% of cities prohibit or restrict sharing free food in public
- **Laws prohibiting property storage**
 - 55% of cities prohibit storing property in public places
- **Laws prohibiting public urination and defecation**
 - 83% of cities prohibit public urination and defecation
- **Laws prohibiting scavenging**
 - 76% of cities prohibit rummaging, scavenging, or "dumpster diving."
- **Laws criminalizing homeless youth**
 - Status offenses
 - Truancy
 - Curfew laws



Enforcement of Criminalization Policies

Arrest and Incarceration

- Nationwide, a person experiencing homelessness is up to 11 times more likely to be arrested than a housed person.
- In 2016, one in six arrest books in Los Angeles, California, were of people experiencing homelessness.
- In 2017 in Portland, Oregon, people experiencing homelessness made up nearly 50% of all people arrested or cited, even though they only comprise 3% of the city's population.

Other Forms of Enforcement

- Warrants
- Fines, fees and debtor prison
- Orders to “move along” from public space
- Stay away orders and banishment from public space
- Privatization of public space
- Hostile architecture and landscaping
- Complaint oriented policing

“As annual funding for public housing plummeted from \$27 billion in 1980 to \$10 billion at the decade’s end, corrections funding surged from nearly \$7 billion to \$26.1 billion, transforming the U.S. prison system into the primary provider of affordable housing and many of its jails into the largest homeless shelters in town.”

Effects of Criminalization

Criminalization harms public safety

- Increases recidivism
- Breeds distrust between people experiencing homelessness and law enforcement
- Increases the risk of violence against people experiencing homelessness

“It is neither safe nor appropriate to put law enforcement on the front lines to resolve mental health, substance abuse, and housing crises when what people experiencing homelessness really need is housing and adequate services.”

--U.S. Department of Justice Community Policing Dispatch 2

Criminalization laws harm public health

- Homeless population experiences diabetes and hepatitis C at rates 10 times higher, tuberculosis at rates 40 times higher than the general population.
- Without access to running water, toilets, and trash services, infectious diseases may spread.
- Not being able to rest causes sleep deprivation and a host of related harms. Life expectancy for someone experiencing homelessness can be 20-30 years less than a housed person's life expectancy.
- The best tool to resolve the public health problems is housing.

Criminalization is expensive and wasteful of limited public resources

- Homelessness is expensive. Chronic homelessness can cost taxpayers some \$83,000 per person per year.
- Unhoused people are arrested at disproportionate rates, as much as 11 times more likely. Jails are also expensive.
- Los Angeles, CA, found that they city spends \$100 million annually on homelessness, with \$87 million devoted to law enforcement, leaving only \$13 million for housing and services.

Summary of Housing Not Handcuffs Recommendations:

“Solve homelessness,
not punish it.”

Report Recommendation: Long-term solutions

- Invest in Housing First Permanent Supportive Housing (PSH)

Permanent Supportive Housing (PSH) combines affordable housing assistance with voluntary support services as needed to help people live independently and has been proven effective in many communities.

- Use vacant and surplus property for housing and services (Title V)
- Dedicate funding for housing and services
- Prevent homelessness before it happens

Report Recommendation: Intermediate-term practices

- Tiny home in-fill (accessory dwelling units)

The BLOCK Project in Seattle, Washington, placing prefabricated tiny homes on single-family residential lots of volunteer homeowners and providing ongoing social worker support

- Tiny home villages

Denver, Colorado, allowing 70 square foot tiny home communities as a matter of right in industrial, commercial, and mixed-use areas

Report Recommendation: Immediate steps to reduce harm

- Temporary shelter facilities

Portland-Multnomah County, Oregon, working with local businesses to facilitate using vacant commercial spaces for immediate sheltering

- Temporary authorized encampments

Las Cruces, New Mexico, hosting a permanent encampment with a co-located service center

- Clear procedures for closing encampments through housing
- Safe parking lots

The full report can be found here:

<http://nlchp.org/wp-content/uploads/2019/12/HOUSING-NOT-HANDCUFFS-2019-FINAL.pdf>