

# HOUSING NOT HANDCUFFS

## Fact Sheet: The Top Five Ways Criminalization of Homelessness Harms Communities

### What is criminalization of homelessness?

**Criminalization of homelessness** is when law enforcement threatens or punishes homeless people for doing things in public that every person has to do. This can include activities such as sleeping, resting, sheltering oneself, asking for donations, or simply existing in public places. It also includes arbitrarily or unfairly enforcing other laws, such as jaywalking or disorderly conduct against homeless individuals, and the practice of “sweeps” or displacing homeless people from outdoor public spaces through harassment, threats, and evictions from living in camps.

#### **1. Criminalization does not address the real causes of homelessness.**

We're all better off when we live in communities that work together to solve problems. No one wants to see people forced to live on the streets—not businesses, not residents, and most of all, not those on the streets themselves. But the high cost of housing prevents too many people from being able to get into affordable housing, and lack of health care has turned our streets and prisons into our default housing for those with mental health issues. *These are systemic problems, not the fault of the families, youth, veterans, and other individuals on our streets, and require all of us working together to address it.*

#### **2. Criminalization worsens homelessness.**

Because people experiencing homelessness are not on the street by choice but *because they lack choices*, criminal and civil punishment serves no constructive purpose. Criminalization policies make the problem of homelessness worse. When homeless people are saddled with crippling high fines and fees for minor traffic tickets or incarcerated for having to live outdoors, it hurts their employment and housing options, access to education, family stability, and communities. This isn't an effective way to keep our communities safe, and it's disruptive to families and communities.

#### **3. Criminalization is expensive and wasteful.**

Instead of helping people escape life on the streets, criminalization creates a costly revolving door that circulates individuals experiencing homelessness from the street to the criminal justice system and back, wasting resources that could otherwise go to solving the problem. Federal studies show that *chronic homelessness, due in part to its criminalization, costs the public between \$30,000 and \$50,000 per person every year.* Communities that criminalize may face expensive lawsuits and lose out on federal funds. The federal government awards extra points to communities that decrease criminalization in its \$2.5 billion competitive federal grant program for homeless services.

#### 4. Criminalization is unconstitutional.

A growing number of courts have struck down laws punishing sleeping and camping in public and to the practice of homeless sweeps, under the 4<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments.

“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 [an] anti-camping ordinance against that person criminalizes her for being homeless.”

-U.S. Dept. of Justice, *Bell v. Boise* (2015)

Panhandling bans have also been struck down in federal courts across the country on 1<sup>st</sup> Amendment free speech grounds. Moreover, since the 2015 U.S. Supreme Court case *Reed vs. Gilbert*, 100% of legal challenges to panhandling bans (including so-called “aggressive panhandling”) have been successful.

#### 5. Housing, services, and protecting renters works better and more cost-effectively.

We know what works when it comes to reducing homelessness: housing. Housing stability makes it possible for a person to get or keep a job, address health problems, or get an education. That’s why “Housing First” programs, which provide not just shelter, but housing and then services like health

care, have seen the greatest success in permanently ending homelessness.

In city after city, where laws and policies are changed to reduce the city’s reliance on law enforcement and instead invest in affordable, supportive housing, it gets homeless people off the streets far more effectively and far more cheaply than endlessly cycling people through courts, jails, and back onto the streets.

A study by the Economic Roundtable of Homelessness in Los Angeles, which included approximately 10,000 homeless people, found that housing reduced average monthly spending by 41% per person, even after including the cost of providing housing. *This savings included a 95% reduction in jail facilities and services costs.*

Ending criminalization is critical, but communities must also ensure access to affordable housing *and* prevent homelessness by stabilizing rental housing. This can be accomplished by:

- Strengthen renters’ rights by eliminating evictions without good cause, and providing a right to counsel in eviction cases.
- Reducing housing discrimination by making it unlawful to deny housing based upon an individual’s criminal, eviction, or credit history that is unrelated to the individual’s future ability to abide by reasonable terms of tenancy.

For a full list of constructive approaches, see our model policy legislation at: <http://housingnohandcuffs.org/policy-solutions/>.

### JOIN HOUSING NOT HANDCUFFS

*If you want to see an end to homelessness in your community, endorse our campaign at [HousingNotHandcuffs.org](http://HousingNotHandcuffs.org), learn more about the best practices that are working around the country, and call for an end to criminalization and more support for housing so we can all enjoy a community where no one has to sleep on the streets or beg for their daily needs.*