

Reforming Housing and Criminal Justice Policies to End Homelessness

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Each year, millions of individuals, families, and youth experience homelessness. A critical lack of affordable housing is the driving cause, and even emergency shelter space is in short supply, leaving many with no choice but to live in public places. But instead of providing housing, many communities are increasingly criminalizing homelessness. To solve the problem, they should shift course.

The critical lack of affordable housing, coupled with inadequate incomes, is the driving cause of homelessness. Drastic cuts in federal housing programs over the past three decades have fueled the growth of homelessness; during the same period, and especially in recent years, the explosive redevelopment of many urban areas has destroyed inexpensive private market housing, displacing many poor people and driving some into homelessness. According to a recent [report](#), there is currently a shortage of 7.2 million rental units affordable by the 10.4 million households with incomes at 30 percent or below of the median for the area.

But rather than addressing the housing gap, communities are increasingly punishing homeless people by making it a crime to sit, sleep, and eat in public places, even in the absence of alternatives. For our most recent national report on the topic, [No Safe Place](#), published in 2014, the [National Law Center on Homelessness & Poverty](#) surveyed 187 cities and found that criminalizing measures had increased dramatically since our last survey in 2011. Strikingly, city-wide bans on “camping” in public places increased by 60 percent and sleeping in vehicles increased by 119percent. Some cities even prohibited private charities from offering food to poor people in public.

Criminalizing measures are often the result of pressure from business groups, and sometimes private citizens, to “do something” about homelessness. Businesses argue that the presence of destitute people deters commerce and tourism, harming the city’s economy. Residents of gentrifying city centers may be disturbed by the sight of ragged people and the experience of being implored for spare change. The result is laws criminalizing the public presence of homeless and poor people, in an effort to drive them out of downtown or even all areas of the city.

But such measures do nothing to the problem—or to address these concerns. Instead, they simply force people to move from place to place, making their lives even more challenging. Even worse, and ironically, such measures prolong homelessness, deepening the problem they are trying to eliminate. Ultimately, arrested or incarcerated people experiencing homelessness return to their communities, still with nowhere to live and now burdened with financial obligations, such as fines and fees that they can’t pay. Criminal records create barriers to employment, housing, and public benefits, making homelessness even more difficult to escape.

Criminalization is the most expensive and least effective way of addressing homelessness, as demonstrated by a growing body of research. For example, a 2013 [study](#) by University of New Mexico showed that by providing housing, the city of Albuquerque reduced spending on homelessness-related jail costs by 64 percent.

Criminalization also raises important constitutional concerns; a number of courts have invalidated such measures. The strategy raises human rights concerns too; the U.N. Human Rights Committee recently found that the criminalization of homelessness violates our country’s human rights obligations.

Last year, after years of advocacy by the Law Center and our allies, key federal agencies began taking our side, adopting a new stance against criminalization. The Department of Justice filed a supportive brief in our case challenging a camping ban in Boise, ID, stating that criminalizing homelessness violates the U.S. Constitution.

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Also last year, the U.S. Interagency Council on Homelessness issued guidance saying evicting homeless encampments without providing adequate alternative housing is never appropriate. And the U.S. Department of Housing & Urban Development inserted a new question into its application for a \$2 billion grant program giving local governments and organizations higher scores if they demonstrate they are preventing the criminalization of homelessness.

Now, together with advocates across the country, the Law Center is developing a campaign to redirect law and policy away from criminalization and towards housing instead. Over 100 organizations are working on the campaign, and we expect to launch it formally later this year.

As advocates to end homelessness, we agree that people should not be living in public places or begging for change. The question is what to do about this. We believe that it is morally wrong, legally questionable, and ineffective public policy to simply make it a crime to do these things. Instead, we should truly solve the problem of homelessness through affordable housing, fair wages and public benefits, and social services.

This is a critical moment in the national response to homelessness. We have a unique opportunity to build on the momentum of these recent successes to move forward to redirect law and policy away from harmful, counterproductive and costly responses to constructive solutions that can end homelessness in America. The time to act is now.

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