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HOUSING NOT HANDCUFFS

COHHIO Annual Conference 2019
Workshop


Eric Tars
@erictars

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

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Homelessness is a Growing (But Solvable) Problem

- 2016 HUD Point-in-Time count data
 - 549,928 people
 - 32% unsheltered
 - 2% increase
- 1.36 million homeless children in U.S. public schools
 - 70% increase since 2007
- 7 million people living "doubled up"
 - 52% increase since 2007
- 36% of college students housing insecure
 - 9% homeless



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A Lack of Affordable Housing Causes Homelessness

- Affordable housing crisis
- Shrinking federal housing subsidies
- Increased competition for rental housing
- Rising rental costs
- Rise in family homelessness
- Vulnerability to crisis



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You are a...

Veteran

Single Mother

LGBTQ Youth

CHOOSE YOUR OWN ADVENTURE




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Veteran

Where do you sleep tonight?

In a Shelter

Outside




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Single Mother

Where do you sleep tonight?

In a Shelter


Outside




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LGBTQ Youth
Where do you sleep tonight?

In a Shelter



Outside




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Veteran

You need \$ 10 to stay at your shelter.
You have no money, do you panhandle?

Yes



No, sleep outside.



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Single Mother

Shelter does not allow children. You have a car.
Do you sleep...

In a Car



Outside




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LGBTQ Youth

It doesn't exist!


The only shelter in town is for 18 + Adults, you now have no choice but to sleep Outside.



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Veteran

It's a cold night you have a blanket, and use it to cover up.




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Single Mother


Upon arriving at a local park, police are standing by kicking people out of the park and telling them to "Move On."

Do you...

Find a place on the street?



Sleep in your car?




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LGBTQ Youth

Stranger offers a place for you to stay.
Do you..

Go with them?



Stay Outside?



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Veteran

Arrested, For Aggressive Panhandling!



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Veteran

Arrested!


Use of blanket is used as grounds for
illegal camping.



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Single Mother


Arrested for sleeping in car!
You lose your children who are placed in foster care, your car is impounded, and you lose all of your belongings!



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Single Mother

Arrested for camping outside, local business reported you!
You lose your children who are placed in foster care!




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LGBTQ Youth

Your host sexually assaults you.
Do you...

Stay, it's a roof over your head.



Go outside?



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LGBTQ Youth

Arrested for being in park after closure!



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LGBTQ Youth

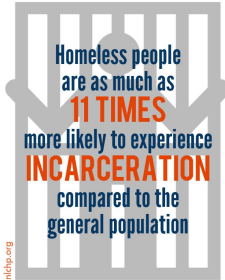
Staying for the shelter lead to being a sex trafficked victim!
Eventually arrested for prostitution!



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Criminalization of Homelessness

- What is it?
 - Criminal laws
 - Civil laws
 - Practices that displace homeless people from public places (e.g. "sweeps")
- Does it work?
 - Ineffective
 - Expensive
 - Often unconstitutional



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Affordable Housing Crisis Causes Homelessness

Only 1 in 4 eligible low income renters receives federal housing assistance.

The mortgage interest tax deduction is an entitlement, costs twice as much as the entire HUD budget, and benefits only those in the top income brackets.

THE AFFORDABLE HOUSING GAP

has created a **7.2 MILLION UNIT SHORTAGE** of affordable rental units available to our nation's lowest income renters

69% lowest income renters paying more than they can afford

31% lowest income renters accessing affordable housing

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Lack of Adequate Emergency Shelter Contributes to Homelessness

- Emergency shelter is not a permanent solution to homelessness
- Shelters across the country are at (or over) capacity
- Shelter may not be truly available
- Shelter not always a good option

Percent of Homeless Population With and Without Available Shelter Beds

Region	With Available Shelter Beds (%)	Without Available Shelter Beds (%)
Northeast	12	88
Midwest	18	82
South	27	73
West	31	69
Nationwide	34	66
Unmet Need	44	56
Overcrowded	58	42
Overcrowded	71	29
Overcrowded	86	14

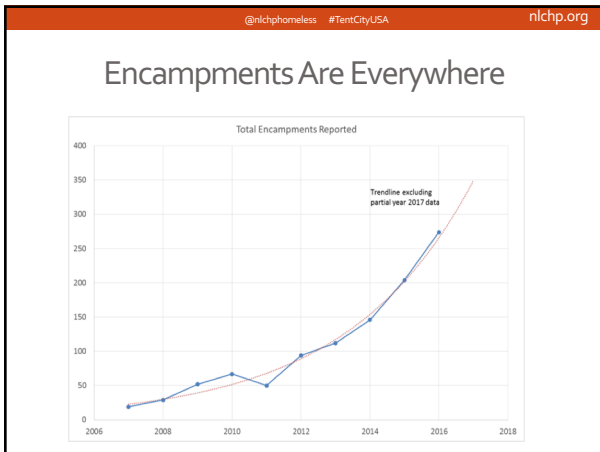
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Encampments are growing rapidly

The number of homeless encampments reported by the media has increased by **1,342%** in the last ten years

...but **two-thirds** of this growth came **after** the Recession of 2007-2012 was declared over

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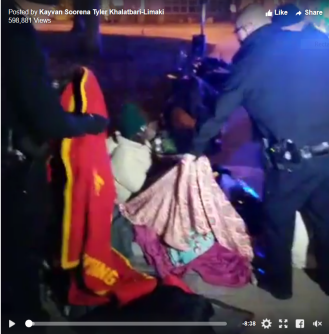






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...but many with criminalization




Posted by Kaylen Stevens, Tyler Shattuck, Lina...
508,001 Views

Like share

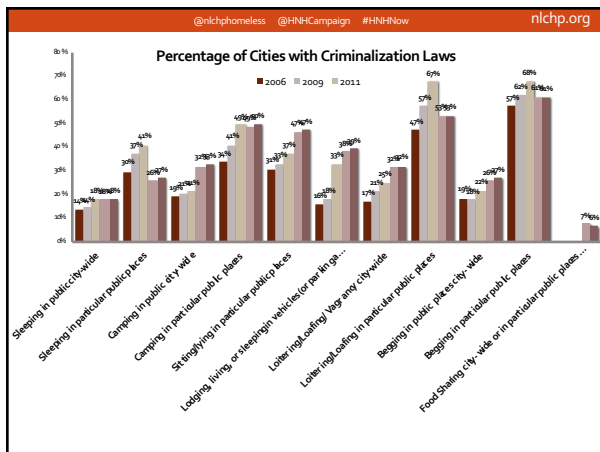
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Housing Not Handcuffs Report




- Tracked 187 cities across the country since 2006
- Urban and rural communities
- Only national data on prevalence of laws punishing homelessness
- Dramatic increase in laws punishing homelessness over past 10 years



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Other Problematic Criminalization Laws & Practices

- Homeless Youth
 - Status Offenses
 - School Discipline
 - Impact on LGBTQ Community
- "Move On" Orders
- Trespass Bans
- Evictions of Homeless Encampments
 - Ineffective at reducing homelessness
 - Ineffective at reducing public health concerns
 - Harmful to homeless people



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No Option But to Live in Public Space

- People are left with **LITERALLY NO OPTION** but to live in public places
- Cities criminally and civilly punish these people for doing what any human being must do to survive
 - Sleep
 - Protect oneself from the elements
 - Sit
 - Store clothing, medication, or other necessary belongings



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Legal considerations

“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... If a person has literally has nowhere else to go, then **enforcement of the anti-camping ordinance against that person criminalizes her for being homeless.**”

— U.S. Department of Justice, Statement of Interest Brief, *Bell v. Boise*



nlchp.org Photo: Reuters // Street-Sleeping Monitor

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Legal considerations



MARTIN V. BOISE: WHAT DOES IT MEAN FOR COMMUNITIES?




MARTIN V. BOISE

On September 4, 2018, the 9th Circuit Court of Appeals affirmed that the state may not "criminalize conduct that is an unavoidable consequence of being homeless—namely sitting, lying, or sleeping on the streets" when there are more homeless persons than available shelter beds or in the absence of other adequate alternatives. Alternatives must be practically accessible to a given individual, taking into account disability, religious beliefs, or other restrictions.



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HUD NOFA



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Laws, Regulations, and Federal Register Notices

FY 2015 CoC Program NOFA

Competition for HUD funding is so fierce that "half a point or a point can make a difference between being funded or not funded"


-HUD Dep. Sec. Ann Oliva, Think Progress, Aug. 18, 2015

Year 2015 for the CoC Program. The CoC Program is designed to promote a community-wide commitment to the goal of ending homelessness, to provide funding for efforts by nonprofit providers, States, and local governments to quickly re-house homeless individuals and families while minimizing the trauma and displacement caused to homeless individuals, families, and...

Outreach. Up to 2 points to CoCs that demonstrate recipients have implemented specific strategies that prevent criminalization of homelessness....Applicants must describe how they are reducing criminalization of homelessness ...

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HUD NOFA



SCORING POINTS

How Ending the Criminalization of Homelessness Can Increase HUD Funding to Your Community

July 2018

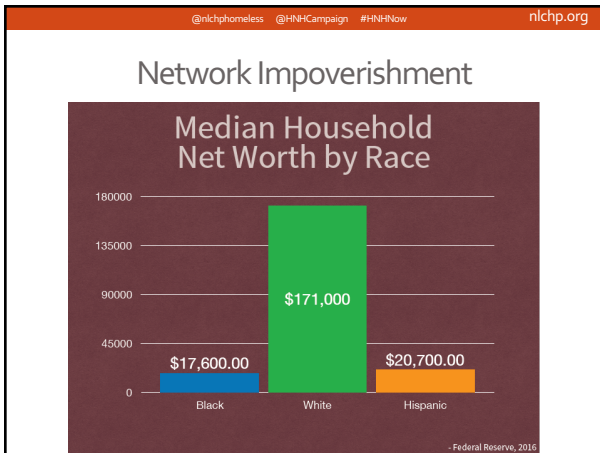
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Network Impoverishment

“ I really don’t have a support system. The most of the support system—my son is 19 and he has his life, his girlfriend and all that he does. He deals with it and I understand that, you know. And that’s just part of, you know, you grow up and you, you know, you move along in—in life and **you do your thing.**”

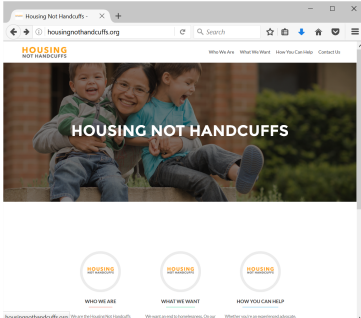




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Actions YOU can take!

- Endorse!



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Actions YOU can take!

- Endorse!
- Speak out!

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Messaging:
Six Ideas for Talking about Housing Not Handcuffs

Six Ideas Summary

1. Start by outlining your own vision of homelessness.
2. Discuss homelessness and how it affects communities.
3. Mirror widely held community values.
4. Share people's stories of what homelessness is like.
5. Tell systemic issues stories.
6. Build your message with the facts, figures, and facts.

Sample language: It's not about us but about the communities that need us. We are all in this together. We need to work together to solve these problems. We need to work together to solve these problems. We need to work together to solve these problems.

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Actions YOU can take!

- Endorse!
- Speak out!
- Implement model policies!

What We Want - Housing Not Handcuffs

Our Calls to Action

We call for local governments to:

- Repeal or stop enforcement of all policies and practices that criminalize homelessness;
- Protect people experiencing homelessness from discrimination and violence;
- Adopt constructive alternatives;
- Ensure housing for all homeless and at risk people.

We call for state governments to:

- Adopt laws that protect people experiencing homelessness from being punished for life-sustaining activities or other discrimination;
- Implement policies to prevent people from becoming homeless in the first place, including appropriate anti-discrimination and due process protections;
- Ensure housing for all homeless and at risk people.

We call for the federal government to:

- Disincentivize criminalization of homelessness through its funding, regulations, legal, and enforcement powers;
- Implement policies to prevent people from becoming homeless in the first place, including appropriate anti-discrimination and due process protections;
- Ensure housing for all homeless and at risk people.

We call for the general public to:

- Stand up for the dignity and rights of people experiencing homelessness;
- Demand the end to all policies and practices that criminalize homelessness; and

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Contact Information

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