

# Illegal to be Homeless

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The Criminalization of Homelessness in  
U.S. Cities

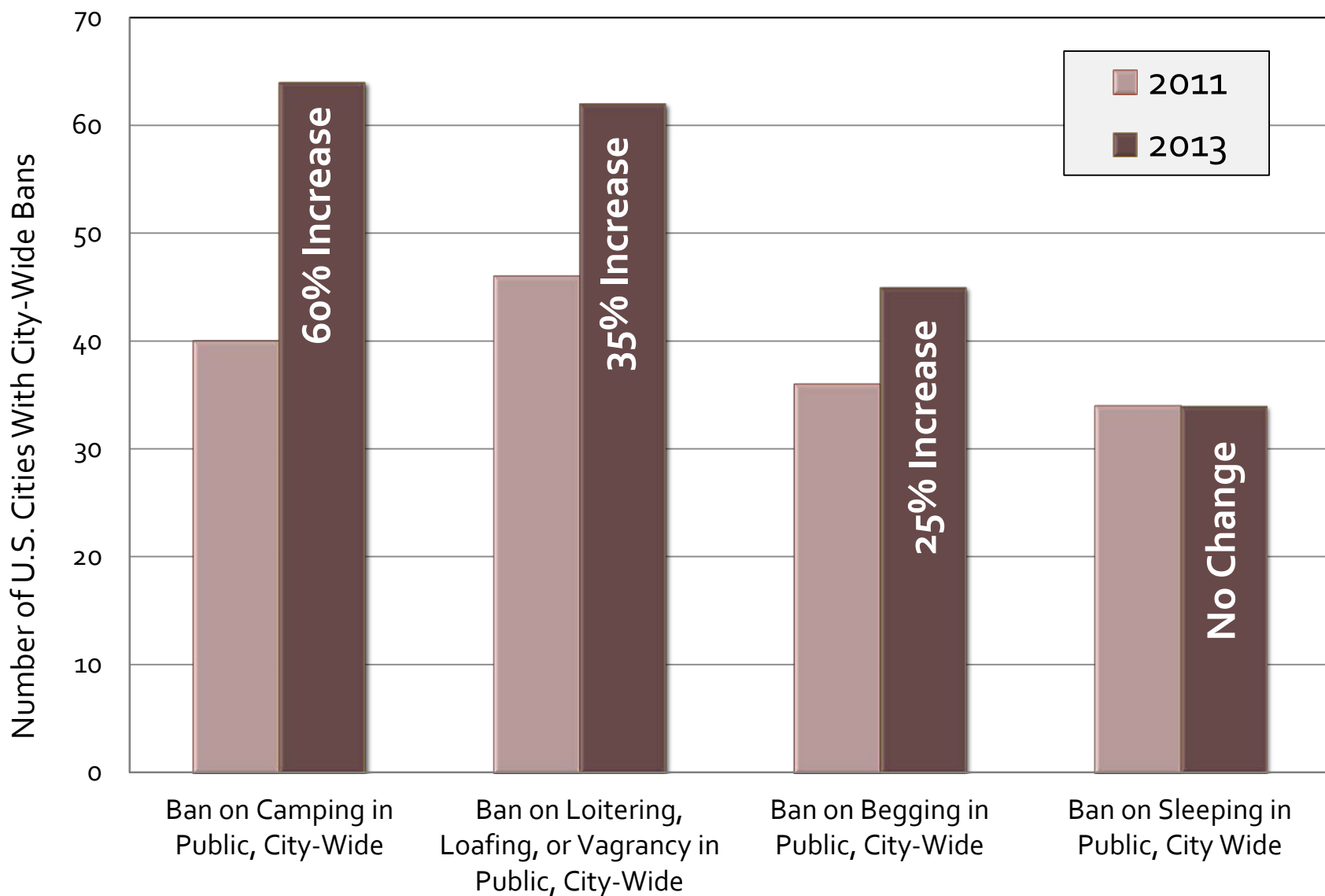
**NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY**



# NO SAFE PLACE

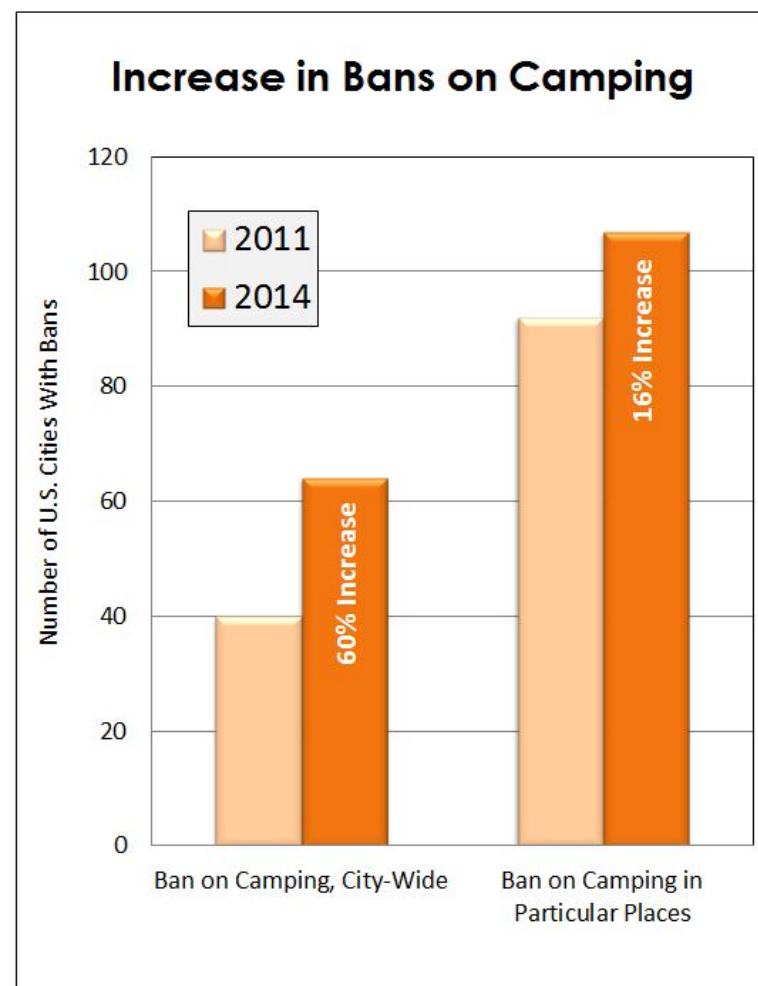
The Criminalization of Homelessness in U.S. Cities

## Trends Show Overall Increase in City-Wide Bans



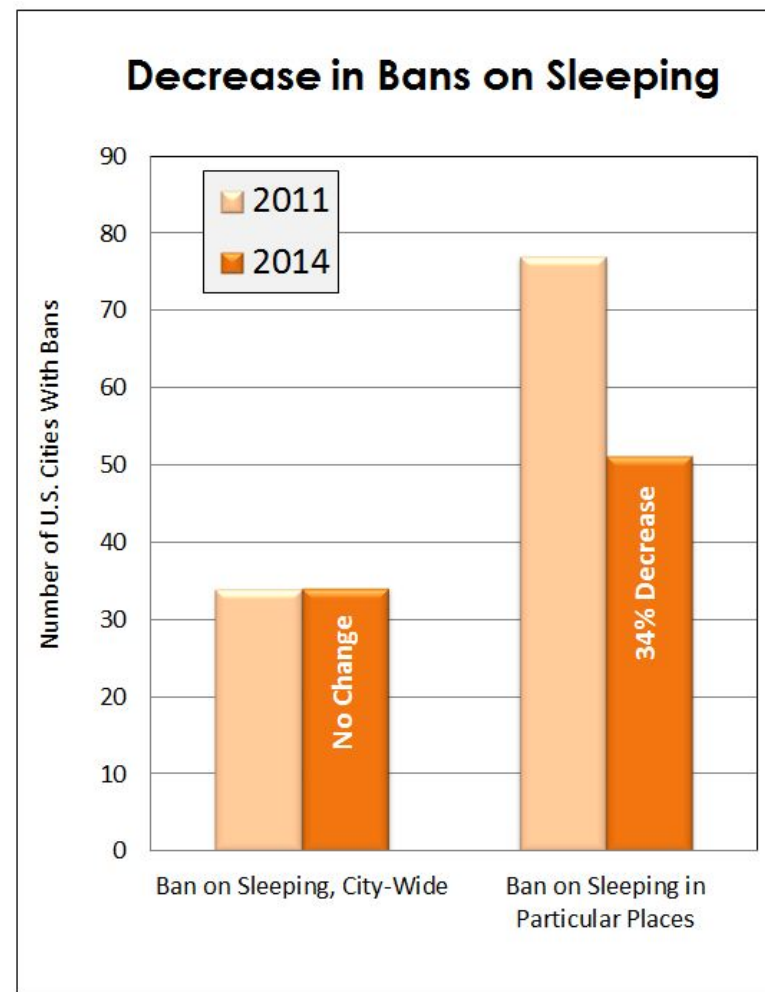
# Camping in Public

- 60% increase in city-wide bans on camping in public
- 16% increase in bans on camping in particular places
- “Camping” is broadly defined
- **Examples:**
  - Minneapolis, MN
  - Clearwater, FL
  - Orlando, FL
- Public and private property
- Creates “no homeless” zones



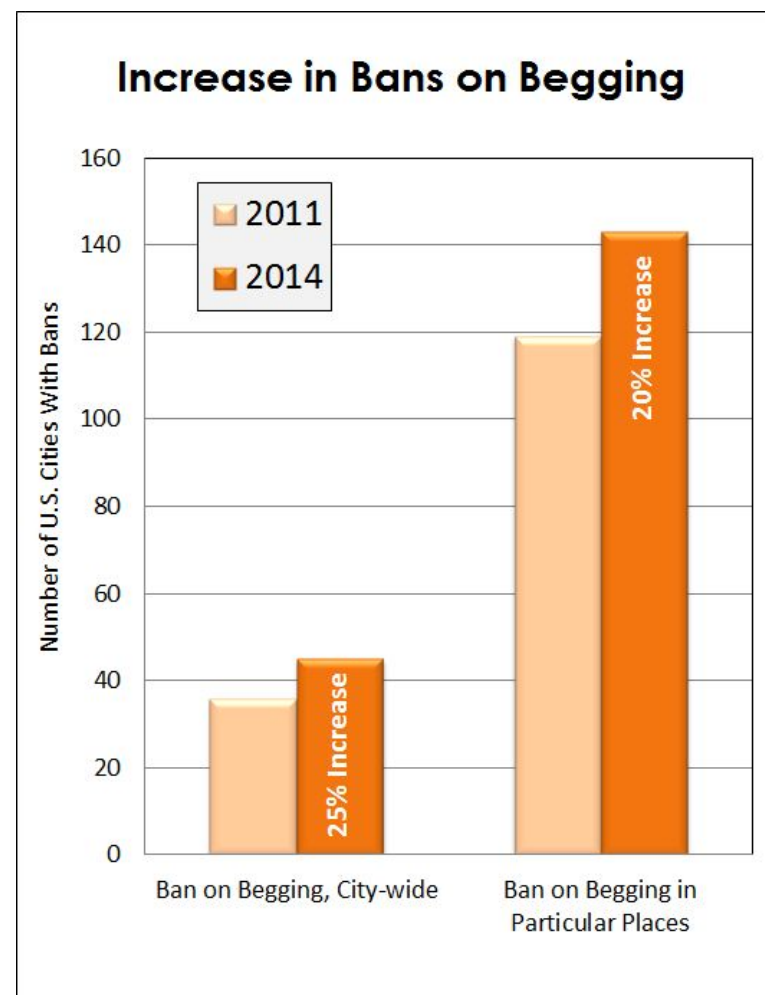
# Sleeping in Public

- No change in city-wide bans on sleeping in public
- 34% decrease in bans on sleeping in particular places
- **Examples:**
  - Manchester, NH
  - Virginia Beach, VA
- Sleeping vs. Camping
- Impact on health and safety



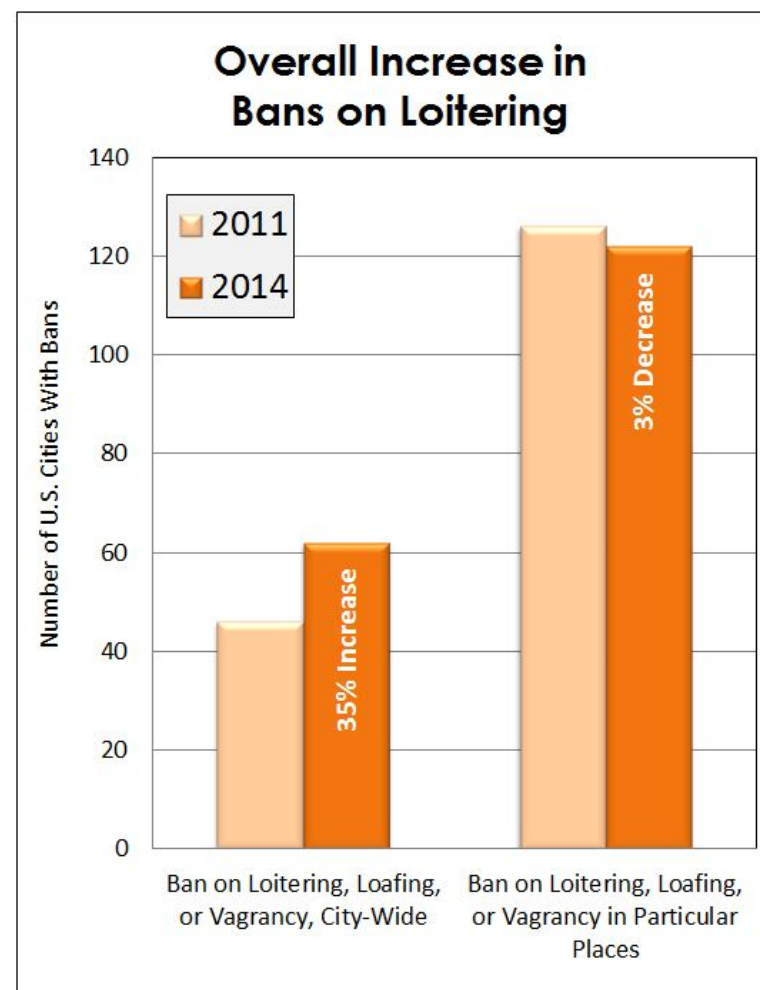
# Begging in Public

- 25% increase in city-wide bans on begging in public
- 20% increase in bans on begging in particular places
- **Examples:**
  - Lexington, KY
  - Springfield, IL
  - Mobile, AL
- Need for access to cash
- City-wide bans vs. bans in particular places



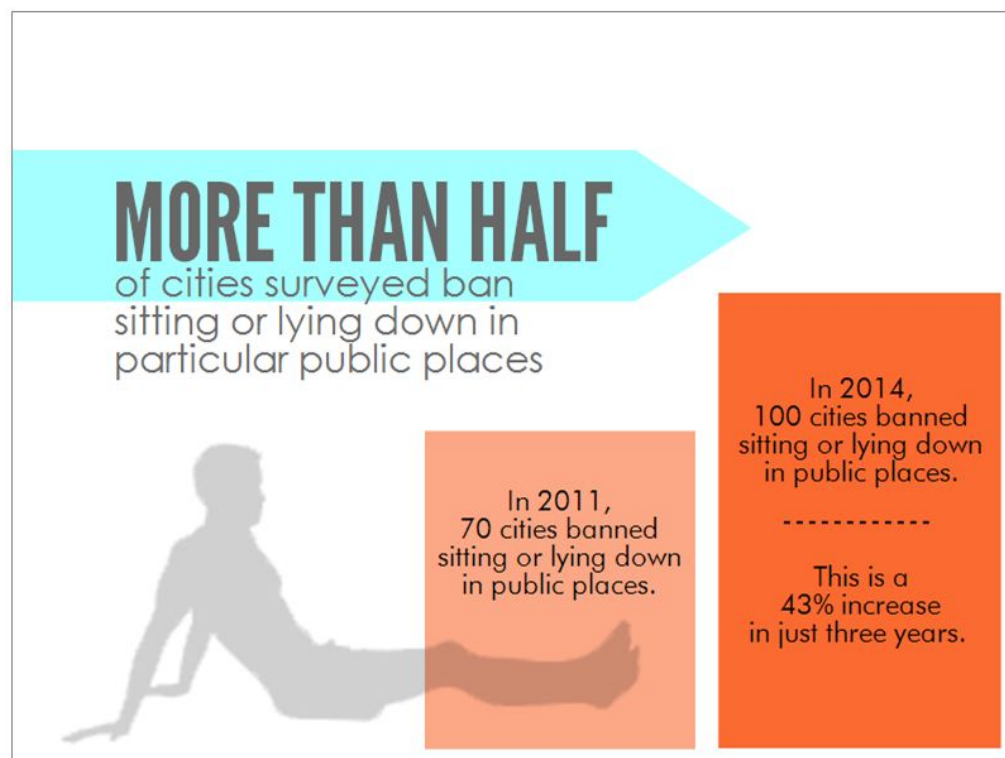
# Loitering, Loafing, and Vagrancy

- 35% increase in city-wide bans on loitering
- 3% decrease in bans on loitering in particular places
- “Loitering” is broadly defined
- **Examples:**
  - Newport, RI
  - Wichita, KS
- Overlap with trespass laws



# Sitting and Lying Down

- 43% increase in laws prohibiting sitting and lying down in public
- Sit/Lie Laws
- **Examples:**
  - Virginia Beach, VA
  - Denver, CO
- No evidence that sit/lie laws improve economic activity in a community
- **Example:**
  - Berkeley, CA





# Living in Vehicles

- 119% increase in laws prohibiting living in vehicles
- Examples:
  - El Cajon, CA
  - Las Vegas, NV
- *Desertrain v. City of Los Angeles*, No. 11-56957, 2014 WL 2766541 (9<sup>th</sup> Cir. June 19, 2014)
- Loss of belongings



# Food Sharing

- 9% of cities prohibit sharing food with homeless people
- Need for food services
- Expands liability to homeless service providers and volunteers
- **Example:**
  - Dallas, TX
  - Ft. Lauderdale, FL



**NO SHARING ALLOWED**

17 of the cities surveyed have ordinances that **restrict individuals & private organizations** from sharing food with homeless people

# Criminalization Laws are Expensive

- Temporarily cycles people through costly criminal justice system
- Providing housing is far more cost effective
- **Examples:**
  - Utah
  - Central Florida
- Exposes cities to expensive litigation

Reducing Costs with Housing First		
	One Year <u>Before</u> Housing First Program Cost	One Year <u>After</u> Housing First Program Cost
Hospital Inpatient	\$946,874.22	\$153,003.48
Emergency Room	\$208,439.74	\$181,272.62
Medical Outpatient	\$524,568.17	\$319,711.58
Mental Health Inpatient	\$21,732.62	\$54,089.00
Mental Health Outpatient	\$47,391.66	\$31,790.87
Shelter	\$117,948.92	\$0.00
Social Services Costs	\$27,272.36	\$155,264.74
Jail	\$51,540.30	\$18,448.89
Jail-Based Treatment	\$3,844.79	\$4,133.67
Housing First Program Housing Costs	\$0.00	\$309,706.37
Housing First Program Services Costs	\$0.00	\$106,473.07
<b>Total</b>	<b>\$1,949,814.78</b>	<b>\$1,333,894.29</b>
<b>Annual Savings with Housing First Program</b>		<b>\$615,920.49</b>

City of Albuquerque Heading Home Initiative Cost Study Report Phase I

# Criminalization Laws Do Not Work

- Collateral consequences of criminalization
  - Criminal records
  - Loss of photo identification and other needed belongings
  - Employment
  - Housing
  - Public Benefits
- Access to justice barriers



# Criminalization Laws are Illegal

- Majority of legal challenges to criminalization laws resulted in positive outcomes
  - 100% of challenges to anti-food sharing laws
  - 71% of challenges to anti-camping or anti-sleeping laws
  - 66% of challenges to panhandling laws
- Laws are sometimes upheld as reasonable time, place, and manner restrictions
- Considerations for litigation
- **KEY CONCLUSION: Criminalization is a losing strategy for cities**

# Strategies for Systemic Change

- Data collection
- Education & Outreach
- Impact Litigation
- Advocacy:
  - Local laws
  - State laws
  - Federal funding policy
  - International lobbying



# Contact Information

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