



October 6, 2014

## SNAPS In Focus: The Case Against Laws that Criminalize Homelessness

As we were thinking about priority topics to include in this *In Focus* series, we returned again and again to the intersection between the homeless services system and the criminal justice system. Things like discharge planning, the definition of an institution, and how we work with the Department of Justice came up – but the most compelling and, frankly, the most disturbing topic that emerged is the increase in laws and practices that criminalize homelessness and therefore adversely impact people experiencing homelessness across the country. We thought it was time to talk about it.

As all of you know, people experiencing homelessness are often forced to sleep in public spaces, such as parks and sidewalks, or in abandoned buildings. Across the country, communities have implemented laws and policies that criminalize homelessness as a means to move people out of these locations. According to a recent report by the National Law Center on Homelessness and Poverty (who collaborated with us on this message), [\*No Safe Place: The Criminalization of Homelessness in U.S. Cities\*](#), there has been a significant increase in city-wide bans on camping, loitering, and begging in public areas. This increase in city-wide bans shows that the nature of criminalization is changing and that many cities are resorting to measures that prohibit life sustaining activities throughout entire communities, effectively criminalizing people's *need to survive*.

A growing body of research comparing the cost of homelessness, including the cost of criminal justice involvement, with the cost of providing housing to homeless people shows that housing is the most affordable option. With state and local budgets stretched to their limit, rational, cost-effective policies are needed – not ineffective measures that waste precious taxpayer dollars. So not only are these practices inhumane, they are short-sighted and ultimately not cost-effective.

Criminalization measures do not prevent or end homelessness; they only exacerbate existing problems. After people experiencing homelessness are arrested, they are returned to their communities, still with nowhere to live and now laden with financial obligations, such as court fees, that they cannot pay. Moreover, criminal convictions – even for minor crimes – can create barriers to obtaining critical public benefits, employment, or housing, thus making homelessness more difficult to escape.

Criminalization is not the answer to meeting the needs of cities that are concerned about homelessness. There are sensible, cost-effective, and humane solutions to homelessness, which a number of cities have pursued. In 2012, the United States Interagency Council on Homelessness (USICH), in partnership with Department of Justice and HUD, published [\*Searching Out Solutions: Constructive Alternatives to Criminalization\*](#), which outlines “alternatives for communities who implement local measures that criminalize ‘acts of living’”. *Searching Out Solutions* emphasizes a human rights approach to ending homelessness and points out that criminalization measures are not aligned with this approach.

I urge homeless service providers and leaders in every community to consider this issue in the context of your work on strategic resource allocation. Talk about it within your CoC, and engage your public sector members in a discussion about



how to work with elected officials, the police and other stakeholders to avoid these practices. Continue to educate the community about why this issue is important.

We all know that the solution to street and unsheltered homelessness is to achieve the goals of *Opening Doors* by providing permanent housing for people sleeping on the streets, not criminalizing their very existence.

If you want more information on this issue, go to the [NLCHP's website](#) or the [USICH's website](#).

As always, thank you for your service to people who are experiencing homeless.

Ann Marie Oliva  
Deputy Assistant Secretary for Special Needs  
Acting Director, Office of Special Needs Assistance Programs