



HOMELESS RIGHTS  
ADVOCACY PROJECT

Twelve Things Cities Can Do  
To Stop Making Homelessness Worse

1. Review and share existing studies on the causes, impacts, and manifestations of the criminalization of visible poverty. Pursue specific recommendations from these studies.
2. Scrutinize laws and policies that are reported to have (or that could have) a disproportionate impact on people who are trying to survive in public and have no reasonable alternatives. Revise these laws and policies to mitigate such impacts.<sup>1</sup>
3. Revise such laws to add a specific provision that conditions fines or fees based upon one's ability to pay.
4. Revise such laws to allow for a necessity defense, where defendants can argue they had no reasonable alternative but to conduct certain necessary, life-sustaining activities in public.<sup>2</sup> If shelter and/or services are not available, adequate, or reasonable, then the city should desist from responding to visible poverty through punitive measures; instead, the city should pursue non-punitive alternatives that advance a solution to the underlying problem.
5. Publically announce strong and specific steps to increase permanent supportive housing, affordable housing, and other longer-term solutions beyond the provision of emergency shelter and similar temporary, crisis-based responses. Cities should regularly and publicly report on their progress in reaching specific benchmarks toward these goals.<sup>3</sup>

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<sup>1</sup> One approach is to scrutinize city laws and policies to ensure any law that could have such a disproportionate impact is the least restrictive means necessary to achieve compelling city interests. In the context of laws that restrict the First Amendment rights of visibly poor people, courts have rejected purported economic interests (such as the promotion of tourism) as compelling. Courts may also require cities to show persuasive evidence of substantial connections between laws that restrict visibly poor people and purported interests of public health or public safety. Anecdotal evidence or “shoddy data” is not proof of a necessary connection to a compelling interest.

<sup>2</sup> These provisions may even have a burden-shifting feature, where the city bears the burden of showing that ample reasonable alternatives exist. For example, cities could prove that adequate and effective emergency shelter existed, that this shelter would fit that particular person's needs, that person was made aware of such emergency shelter, and that there were no other barriers to accessing such shelter.

<sup>3</sup> Cities might also retain a third party to review and evaluate and report on the city's accountability for advancing these goals. Progress reports should increase government accountability and transparency (open disclosure, easy-to-read reports).

6. Collect specific data about the enforcement of laws on visibly poor people.<sup>4</sup> Ideally, cities should collect data on each police interaction that involves a visibly poor person and maintain a transparent and searchable online database to shed light on enforcement trends.
7. Pursue a citywide paradigm shift; reject the resort to the criminal justice system as a primary or appropriate response to visible poverty. Redirect fiscal priorities from criminal justice toward social, mental, and health services, as well as affordable and permanent housing programs.
8. Create and prioritize a persistent and high-visibility community education and awareness campaign to dispel myths about homelessness and poverty.
9. Organize and support frequent and sustained opportunities for people with housing to engage with visibly poor populations in meaningful ways.
10. Pursue and support more programs that embed social service workers and mental health providers within law enforcement.<sup>5</sup>
11. Redefine public health and public safety to prioritize the perspectives and experiences of our most vulnerable neighbors. Often, the needs and interests of people experiencing homelessness are minimized in discussions of public health and safety. Reverse this trend.
12. Prioritize the empowerment of people experiencing homelessness. Create and support meaningful leadership opportunities for a broad range of individuals to influence the lawmaking and policymaking process.<sup>6</sup> For example, establish a Community Advisory Board with direct and regular access to lawmakers so the CAB can weigh in on laws, policies, and practices that affect them. Provide a space and other supplies to support successful CAB meetings. Publicly and regularly report on the city's responsiveness to the CAB; publicize the CAB's own evaluations of the city's responsiveness.

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<sup>4</sup> For example, researchers generally cannot determine demographic information about the housing instability or relative poverty of people who are cited under various criminalization ordinances. But vehicle residents, for example, are well-known by parking enforcement. Parking enforcement could enter some sort of vulnerable vehicle status code to their electronic databases so that officers who subsequently approach such individuals would know not to issue a parking ticket or some other violation. Instead, the officer should intervene for non-punitive purposes (e.g., only to refer that particular individual to specific services that are confirmed as available and reasonable at that time).

<sup>5</sup> The idea here should not be that law enforcement then becomes a social service provider, although in many respects we are unfairly expecting our law enforcement officers to do just that. Instead, embedding within law enforcement a professional, who is trained in responding to trauma and who is trained to determine the best service options based on individual profiles, may help to educate police officers about these complex issues and to dissuade them from enforcing more punitive measures in response to "quality-of-life" problems.

<sup>6</sup> For people experiencing homelessness, daily survival is a full-time job that undercuts the ability to organize and advocate. Therefore, these leadership opportunities should, at a minimum, be paid positions to support engagement.