

# ILLEGAL TO BE HOMELESS

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by Robert Norse and Becky Johnson

The National Coalition for the Homeless recently released an 80-page report entitled, "Illegal to Be Homeless: The Criminalization of Homelessness in the United States." It details the darkening human rights picture in the last 18 months in 147 communities in 43 states, Puerto Rico, and Washington, D.C. The subtitle tells it all: "No Sitting, Lying, Leaning, Panhandling, Loitering, Camping, Obstructing the Sidewalk, Spitting, Storing Property, Street Performing. The Police are Watching."

"Illegal to be Homeless" cites California as the meanest state and San Francisco as the second meanest city in the country. Five California cities made the list of the top 20 meanest — San Francisco, Los Angeles, Sacramento, Santa Cruz and Santa Monica. Florida, the second meanest state, also had five cities listed in the top 20.

The report details a bizarre compendium of peculiar laws which would seem humorous, if the hostile intent were not so clear, the passage so recent, and the effect so devastating. Asheville, North Carolina, has resurrected loitering laws thrown out by the U.S. Supreme Court in the Lawson case in the early '80s. Atlanta now reportedly punishes "entering a bathroom." Boston, Massachusetts, Athens, Georgia, and other cities ban "rummaging."

Even more vicious anti-homeless campaigns are sprouting, like the Las Vegas anti-homeless pogrom under Mayor Goodman and "Operation Enough" in Los Angeles. One out of every five minor infraction cases in

Boulder, Colorado, involves a homeless person. ID cards for service program access, bans on dumpster diving, park closures, and the omnipresent sleeping and panhandling bans are mushrooming.

The report packs a lot of punch, covers a lot of ground, gets into a lot of fascinating specifics, and also provides an illuminating overview of a depressing subject. It was compiled by NCH staff and members of the NCH's Civil Rights Work Group and various religious social justice organizations.

The Executive Summary is a well-written, dense analysis of the major issues involved. "Through the passage of laws which are unconstitutional, the 'selective enforcement' of existing laws, arbitrary police practices, and discriminatory public regulations, people experiencing homelessness face overwhelming hardships in addition to the daily struggle of survival. Instead of spending precious public resources and funding to address the significant lack of affordable housing in this country, local governments... divert these funds to police departments and local Business Improvement Districts (BIDs), which penalize people for being homeless."

The NCH report documents the linkage between the public intolerance fostered by business and city officials and the rising danger of attacks, hate crimes and violence towards the homeless that results from this attitude. The report finds "a pattern and a practice of civil rights violations and unconstitutional behaviors by local government authorities, including the police and other city agencies."

In many cities, downtown businesses are a major source of the complaints against homeless people and the ensuing use of police repression to drive the poor out of commercial districts. According to the NCH survey, "As a result of the pressure of downtown business interests and in some cases tourism, local governments regulate homelessness by attempting to reduce its visibility, through strict enforcement of 'quality of life' laws as well as physically relocating people living on the streets. As free voluntary treatment options disappear, cities are choosing jail to manage the 'homeless problem' instead of addressing the root causes of homelessness."

The report severely criticizes the so-called "quality of life" laws which are spreading across the nation. "Quality of life laws... which make illegal activities like sleeping, sitting, leaning, cooking, storing personal belongings, urinating, and standing in public places, are discriminately enforced against people experiencing homelessness based on their housing status and criminalize behaviors which, in

## Illegal to be Homeless

### The Criminalization of Homelessness in the United States

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### The Police are Watching

NCH report reveals growing repression across the U.S.

and of themselves, are not criminal activities."

The report finds that "nearly all of the communities surveyed lack enough shelter beds to meet demand; housing costs are out of reach... and subsidized housing is being gentrified at an alarming rate."

In terms of positive solutions for homelessness, the report recommends Rep. Julia Carson's Bringing America Home Act, H.R. 2897 in Congress, which bans cities receiving federal funding for homeless assistance and community development from passing laws that criminalize homeless people. It supports local monitoring projects and continued education in constitutional rights. It asks the Justice Department to investigate institutional civil rights violations and hate crimes against homeless people. It supports continued protected-class status for homelessness when monitoring violence.

Santa Cruz homeless activist Becky Johnson interviewed Michael Stoops, the director of Community