

HOUSING NOT HANDCUFFS

What is criminalization of homelessness?

Criminalization of homelessness is when law enforcement threatens or punishes homeless people for doing things in public that every person has to do. This can include activities such as sleeping, resting, sheltering oneself, asking for donations, or simply existing in public places. It also includes arbitrarily or unfairly enforcing other laws, such as jaywalking or disorderly conduct against homeless individuals, and the practice of "sweeps" or displacing homeless people from outdoor public spaces through harassment, threats, and evictions from living in camps.



@NLCHPhomeless



@homelessnesslaw

#HousingNotHandcuffs

The Housing Not Handcuffs Campaign

The Housing Not Handcuffs Campaign was initiated in 2016 by the National Law Center on Homelessness & Poverty and the National Coalition for the Homeless, along with more than 100 participating organizations to unite people and organizations that normally don't work together behind the goal to stop the criminalization of homelessness—and to push for effective housing policies that end homelessness.

The Campaign has grown to include over 800 individuals, local and national organizations, as well as public officials, law enforcement officers, and criminal justice professionals. The Housing Not Handcuffs website offers resources and toolkits to help end the criminalization of homelessness through communications, organizing, litigation, and policy. The HNH listserv brings together over 350 social justice advocates and provides them with a platform to ask questions and share resources.

Take Action

- **Endorse** the Housing Not Handcuffs Campaign and encourage others to do the same. Visit housingnohandcuffs.org/endorse
- **Advocate** for Housing Not Handcuffs in your community
 - Talk to your city council and other community leaders about the need to decriminalize homelessness and instead use resources to invest in long-term solutions to homelessness.
 - Visit <http://housingnohandcuffs.org/policy-solutions/> for model legislation at the local, state, and federal levels.
 - Visit <http://housingnohandcuffs.org/communications-toolbox/> for resources on talking about the HNH Campaign, a social media guide, and other communications tools.
- **Follow** the National Law Center on Homelessness and Poverty on Twitter and Facebook to learn more about our work to prevent and end homelessness.
- If you or your organization would like to partner with the Housing Not Handcuffs Campaign in the future, please contact us at housingnohandcuffs@gmail.com

Criminalization Fact Sheet



Criminalization does not address the real causes of homelessness

The high cost of housing prevents too many people from being able to get into affordable housing, and lack of health care has turned our streets and prisons into our default housing for those with mental health issues. Homelessness and its criminalization have a disparate effect on communities of color, LGBTQ+ persons, and persons with disabilities. These are systemic problems, not the fault of the families, youth, veterans, and other individuals on our streets, and require all of us working together to address it.



Criminalization is unconstitutional

A growing number of courts have struck down laws punishing sleeping and camping in public and to the practice of homeless sweeps, under the 4th, 8th, and 14th Amendments. Panhandling bans have also been struck down in federal courts across the country on 1st Amendment free speech grounds. Moreover, since the 2015 U.S. Supreme Court case *Reed vs. Gilbert*, 100% of legal challenges to panhandling bans (including so-called “aggressive panhandling”) have been successful.



Housing, services, and protecting renters works better and more cost-effectively.

In city after city, where laws and policies are changed to reduce the city’s reliance on law enforcement and instead invest in affordable, supportive housing, it gets homeless people off the streets far more effectively and far more cheaply than endlessly cycling people through courts, jails, and back onto the streets.

A study by the Economic Roundtable of Homelessness in Los Angeles, which included approximately 10,000 homeless people, found that housing reduced average monthly spending by 41% per person, even after including the cost of providing housing. This savings included a 95% reduction in jail facilities and services costs.

Ending criminalization is critical, but communities must also ensure access to affordable housing and prevent homelessness by stabilizing rental housing.



Criminalization worsens homelessness

When homeless people are saddled with crippling high fines and fees for minor traffic tickets or incarcerated for having to live outdoors, it hurts their employment and housing options, access to education, family stability, and communities. This isn’t an effective way to keep our communities safe, and it’s disruptive to families and communities.



Criminalization is expensive and wasteful

Instead of helping people escape life on the streets, criminalization creates a costly revolving door that circulates individuals experiencing homelessness from the street to the criminal justice system and back, wasting resources that could otherwise go to solving the problem. Federal studies show that chronic homelessness, due in part to its criminalization, costs the public between \$30,000 and \$50,000 per person every year. Communities that criminalize may face expensive lawsuits and lose out on federal funds. The federal government awards extra points to communities that decrease criminalization in its \$2.5 billion competitive federal grant program for homeless services.