

HOUSING NOT HANDCUFFS

What is the criminalization of homelessness?

Despite a lack of affordable housing and emergency shelter space, many cities choose to punish people living on the street for doing what any human being must do to survive—because it is done in public.

The Law Center has tracked the criminalization of homelessness since 2006. This includes civil or criminal punishments for camping and sleeping outside, living in a vehicle, and asking others for help. Our research reveals that laws punishing the life-sustaining conduct of homeless people have increased in every measured category since that time.

The Housing Not Handcuffs Campaign

The Housing Not Handcuffs Campaign was initiated in 2016 by the National Homelessness Law Center and the National Coalition for the Homeless, along with more than 100 participating organizations to unite people and communities across the country to end homelessness through effective housing policies—and by halting the criminalization of homelessness nationwide.

The Campaign now includes over 3,000 individuals and local and national organizations, as well as public officials, law enforcement officers, and criminal justice professionals. The Campaign website offers resources and toolkits to help advocates and local leaders bring Housing Not Handcuffs to their community and to their constituents.

We acknowledge that housing reform is criminal justice reform. Please join us in the movement to end and prevent homelessness.

[#HousingNotHandcuffs](#)

Take Action

- **Endorse** the Housing Not Handcuffs Campaign and encourage others to do the same. Visit housingnothandcuffs.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://housingnothandcuffs.org/policy-solutions/> for model legislation at the local, state, and federal levels.
 - Visit <http://housingnothandcuffs.org/resources/> for resources about the HNH Campaign, including [communication guides](#), [policy tools](#), and publications like our [criminalization report](#).
- **Follow** the National Homelessness Law Center on Twitter and Facebook to learn 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 housingnothandcuffs@gmail.com.



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Criminalization Fact Sheet



Criminalization does not address the real causes of homelessness

Rising rents, historically low rental vacancy rates, and the decline of federally subsidized housing have led to a critical shortage of affordable housing units. Nearly half of the entire U.S. renter population is cost burdened. Criminalizing homelessness does not suddenly bridge this affordability gap or create affordable housing units. It only serves to displace homeless people.



Criminalization of homelessness is often unconstitutional and illegal

Many courts have struck down laws that criminalize people for living outside. In 2019, the 9th Circuit Court of Appeals determined that under the 8th Amendment, people experiencing homelessness cannot be criminally punished for sleeping outside if there is no shelter available. Some courts have found that homeless sweeps can violate an unhoused person's 4th and 14th Amendment rights. Panhandling bans have also been struck down in federal courts across the country on 1st Amendment free speech grounds. Since the 2015 U.S. Supreme Court case *Reed vs. Gilbert*, 100% of legal challenges to panhandling bans have been successful.



Bottom line: Providing housing ends homelessness. Criminalization extends it.

Providing people with quick access to housing and any needed services to maintain housing stability is cheaper, more humane, and achieves better outcomes than all other strategies for addressing homelessness, especially criminalization. Housing reduces the visible impact of homelessness, provides untold mental and physical benefits, and drastically saves cities money.

Fining and incarcerating unhoused people for living outside makes it more difficult for them to maintain employment, participate in supportive housing programs, and pursue education. Criminalization also increases recidivism, decreases trust in law enforcement, disrupts family stability, and otherwise erodes necessary safety nets that help end and prevent homelessness.



Criminalization disproportionately harms minority populations

A long history of housing and zoning policies creating racial and socioeconomic segregation has led to a disproportionate representation of people of color among the nation's homeless population. People of color constitute over 60% of the nation's homeless population despite making up only a third of the general U.S. population. The criminalization of homelessness has a disparate effect on communities of color, LGBTQ+ persons, and persons with disabilities.



Criminalization is expensive and ineffective

The criminalization of homelessness creates a costly revolving door that circulates unhoused people from the street to the criminal justice system and back. Chronic homelessness can cost taxpayers over \$83,000 per person per year, including the cost of legislating and enforcing criminal ordinances. Incarceration on average costs over \$45,000 per year. Communities that criminalize may face expensive lawsuits and could lose access to federal funding.

A study of chronically homeless individuals in Seattle found that costs decreased by 60% per individual after one year in housing—even after factoring the cost of providing housing and supportive services. Many other studies have shown similar results—the cost of criminalizing unhoused people far exceeds the cost of housing them. Housing people saves money.