

# Criminalization of the homeless community

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**CRIMINALIZATION OF THE HOMELESS COMMUNITY** Many individuals experience homelessness do not have certain needs, including affordable housing, adequate income and health care. Some homeless persons may need additional services such as mental health or drug treatment in order to be securely housed. This research paper will discuss what homeless means, various ways in which individuals become homeless, trends, laws that effect the homeless , and do decriminalization of the homeless community help or hinder the situation.

To be homeless means a person is considered homeless who “ lacks a fixed, regular, and adequate night-time residence; and... has a primary night time residency that is: (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations... (B) An institution that provides a temporary residence for individuals intended to be institutionalized, or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

The term “ homeless individual” does not include any individual imprisoned or otherwise detained (National Coalition for the Homelessness, 2009). Two trends are largely responsible for the rise in homelessness over the past 20-25 years: a growing shortage of affordable rental housing and a simultaneous increase in poverty. Persons living in poverty are most at risk of becoming homeless, and demographic groups who are more likely to experience poverty are also more likely to experience homelessness (National Coalition for the Homelessness, 2009).

The lack of affordable housing is the primary cause of homelessness in the United States. Due to the combination of stagnant incomes and rising housing costs, affordable housing has become unobtainable for an increasing portion of the population, and as the disparity between wages and housing costs increases, more individuals are at risk of homelessness. In the current national market, even a one- bedroom apartment at fair market rent is affordable for a person working full-time at minimum wage. Many individuals and families, coping with high rent burdens due to the shortage in affordable housing, are required to spend a large percentage of their income on housing. For far too many others, the financial burden is untenable and they are forced into homelessness (National Coalition for the Homelessness, 2009).

Declining wages have put housing out of reach for many workers: in every state, more than the minimum wage is required to afford a one- or two- bedroom apartment at Fair Market Rent (National Coalition for the Homelessness, 2009). A person working 40 hours a week should be paid a wage that allows him or her to afford adequate housing. Unfortunately, for those households dependent on minimum wage jobs, the prospect of affordable housing is not promising. The federal minimum wage increase in 2009 helped decrease the gap between minimum wage and the full-time hourly wage one would need to earn in order to pay for “ fair market rent,” as defined by HUD, without spending more than 30 percent of their income. Despite this improvement, to afford a two bedroom apartment at fair market rent a person would have to secure a full-time job paying \$18.

4 an hour, more than double the federal minimum wage of \$7. 25 an hour.

The lack of access to quality, affordable health care is a contributing factor to homelessness in that it forces uninsured or underinsured people to choose between medical care and housing.

Homeless people suffer from multiple health problems at a rate far higher than the general U. S. population (Summary of 2010 Public Policy Recommendations, 2010). Battered women who live in poverty are often forced to choose between abusive relationships and homelessness (National Coalition for the Homelessness, 2009). Families with children are among the fastest growing segments of the homeless population. As the number of families experiencing homelessness rises and the number of affordable housing units shrinks, families are subject to much longer stays in the shelter system (National Coalition for the Homelessness, 2009).

Veterans often become homeless due to war-related disabilities. For a variety of reasons – physical disability, mental anguish, post-traumatic stress, etc. – many veterans find readjusting to civilian life difficult.

Difficulties readjusting can give rise to dangerous behaviors, including addiction, abuse, and violence, which, coupled with the difficulties, can lead to (homelessnessNational Alliance to End Homelessness, n. d). There are laws or policies to target homeless people for taking actions necessary to their survival, the impact is felt far and wide. While people experiencing homelessness are affected most profoundly, these measures also impact service providers' ability to do their work and tax the already overburdened criminal justice system.

Ultimately, punishing homeless people for conducting life-sustaining activities takes a toll on the entire community (National Law Center on Homelessness and Poverty, 2011). The criminalization of homelessness takes many forms, including: Enactment and enforcement of laws that make it illegal to sleep, sit, or store personal belongings in the public spaces of cities without sufficient shelter or affordable housing Selective enforcement against homeless persons of seemingly neutral laws, such as loitering, jaywalking, or open container ordinances. Sweeps of city areas in which homeless persons live in order to drive them out of those areas, frequently resulting in the destruction of individuals' personal property, including important personal documents and medication. Enactment and enforcement of laws that punish people for begging or panhandling in order to move poor or homeless persons out of a city or downtown area. Enactment and enforcement of laws that restrict groups sharing food with homeless persons in public space Enforcement of " quality of life" ordinances related to public activities and hygiene (e. .

public urination) when no public facilities are available to people without housing. Adoption of laws and policies that punish homeless people rather than addressing the problems that cause homelessness is an ineffective approach. Penalizing people for engaging in innocent behavior – such as sleeping in public, sitting on the sidewalk, or begging – will not reduce the occurrence of these activities or keep homeless people out of public spaces when they have no other place to sleep or sit or no other means of living. With insufficient resources for shelter and services for homeless people, enforce punishment for unavoidable activities is not only pointless, it is

inhumane (Brown, 1999, July/August). Relying on law enforcement officials and jails to address homelessness and related issues, such as mental illness and substance abuse, that are more appropriately handled by service providers, causes problems and widespread frustrations within the criminal justice system. Police officers are not adequately trained to respond to the situations that arise, the criminal justice system does not provide the necessary treatment and rehabilitation opportunities, and members of jail staff cannot provide the extra supervision that people with mental illness or substance abuse may require. Further, jails are already overcrowded without detaining individuals who have not committed serious crimes (Brown, 1999, July/August). Criminalization provides no long-term benefit for homeless individuals nor does it provide a lasting solution to the conflicts over public space.

It is likely to cost significantly more money. The costs of police time and resources and jailing individuals is considerable higher than the cost of providing them with shelter combined with necessary services (Brown, 1999, July/August). Even while the criminalization of homelessness is on the rise, the results of indicate that criminalizing homelessness does nothing to solve the problem of homelessness. Not only is criminalizing homelessness an affront to the human rights and dignity of homeless persons, these measures can also make it substantially more difficult for homeless persons to secure permanent housing and employment. Criminalizing homelessness also wastes scarce public resources. The criminalization of homelessness has imposed needless burdens on the criminal justice system. For many reasons, addressing homelessness through the criminal justice system is an

inappropriate and inefficient response to this pressing social issue. Instead of turning to law enforcement to address street homelessness, communities should set up collaborations between services providers and police departments to ensure that people in need receive appropriate services.

As many jails are already overcrowded, incarcerating homeless individuals for conducting life sustaining activities in public, such as sleeping, sitting, or asking for money only exacerbates the challenges facing our jails. Our jails could be better put to use to incarcerate individuals for more serious crimes. Overcrowding in our prisons and jails can lead to safety concerns, civil rights violations and lawsuits challenging those conditions.

Communities should reconsider the wisdom of using the criminal justice system to address public homelessness. The impact of criminalization measures on people experiencing homelessness is profound. These laws and policies affect them in many ways, from violating their basic human dignity, to impairing their health, to thwarting their very ability to move out of homelessness. Examining the consequences of criminalizing homelessness demonstrates that this approach is not only truly counterproductive, but also a terrible injustice our communities impose upon some of our most vulnerable neighbors. When homeless persons are incarcerated for violating the range of laws that target them for conducting life-sustaining activities in public, their ability to access services and housing or maintain employment is hampered. Being able to access services and housing and maintain employment is crucial to helping homeless people move out of homelessness. Incarcerating homeless people for doing things they must do

to survive only prolongs their homelessness and benefits no one. The consequences of having even an arrest or minor offense on one's record can result in ineligibility for public housing and difficulty in finding employment.

Even citations given for minor offenses often have a fine attached. When these fines go unpaid, they can result in jail time or suspension of one's license and public benefits. When a homeless person is incarcerated, he or she will be unable to access services, public benefits, or maintain contact with the service provider, creating another barrier in moving out of homelessness. Many cities engage in "sweeps" of areas where homeless people are living.

Such sweeps involve a city entity, either law enforcement officials or public works officials, going through an area where homeless people are living and clearing out that area. While some cities give homeless people notice of any sweeps and provide an opportunity for people to retrieve their belongings after the sweep, a number of cities have not and do not. Homeless persons may lose very valuable personal belongings, including essential medication, as a result of sweeps.

cities have been passing ordinances that restrict groups that share food with homeless people. 82 When cities impose such restrictions, they limit homeless persons' ability to access safe, healthy food, increasing the likelihood that those persons will seek food from unsanitary sources, such as garbage cans, which can lead to acute illness, or be generally undernourished and more susceptible to a host of other health problems.

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Cities should take these potential health consequences into account when considering sweeps, food sharing restrictions, or enforcement of other “quality of life” laws. Despite the fact that communities all over the country do not have adequate affordable housing or shelter space, cities are continuing to penalize people forced to live on our streets and in our public spaces. Such measures often prohibit activities such as sleeping/camping, eating, sitting, and/or begging in public spaces, and include criminal penalties for violations of these laws. Some cities have even enacted restrictions that punish groups and individuals for serving food to homeless people. Many of these measures appear to have the purpose of moving homeless people out of sight, or even out of a given city. Criminalization measures can have a significant negative impact on service providers' abilities to do their work, thereby wasting precious resources and making it that much more difficult for homeless people to move out of homelessness.

Outreach workers must meet homeless individuals where they are, and must accept their timetable for opening up to allow a relationship to develop gradually.

In addition, providing a desired resource, such as a nutritious meal, can facilitate the development of a trusting relationship. When that outreach network is disrupted, homeless individuals may miss out on opportunities that could help them move out of homelessness. The growing trend of cities restricting groups from sharing food with homeless persons in public spaces places another barrier in developing relationships with people who are living on the streets. Providing such food not only nourishes people in need, but also may help connect them to services that could help them move off of the street. Criminalization measures make it that much more difficult for people to move out of homelessness and reach their full potential as active members in our community. These lost opportunities have a dramatic impact not only in the individual human lives touched by homelessness, but also our society as a whole. Allowing members of our society to remain homeless is a costly choice.

Providing permanent or supportive housing is not only a more humane approach, but can also save our communities money. The moral imperative to care for the neediest among us and preserve and protect the human dignity of all people is a deeply entrenched American value. It is reflected in the religious beliefs and practices of Americans of diverse faiths and in our most sacred political writings and foundational documents. The trend toward criminalizing homelessness, rather than working to care for and empower

people who are poor, threatens to undermine this deeply held cultural value that has bound Americans together throughout history. Our communities must find a better way forward if we have any hope of addressing the overwhelming number of Americans facing homelessness. Without putting a stop to the criminalization of homelessness, our cities and our country do not have a chance of successfully tackling this moral, social, economic, and human rights problem. Bring America Home Act.

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