



## Why There are Better Alternatives than Punitive Policies Targeting Homeless People

Jennifer Darrah-Okike, University of Hawaiʻi at Mānoa

Homelessness is a pressing problem in many U.S. cities. In response, many local governments have enacted controversial measures such as restrictions on public health services or prohibitions on eating, sleeping, sitting or storing property in public spaces. Sometimes called “nuisance” or “quality of life” measures, such steps seem designed to reduce the visibility of unsheltered individuals and families; and they can be used to forcibly remove unsheltered people from parks, sidewalks and streets. Unfortunately, such policies do not offer meaningful solutions to homelessness, and they can actually make the problem worse – by exacerbating instabilities for those without permanent shelter. They also cause distress, stigmatize the homeless, and risk violating civil rights. Consequently, federal agencies such as the Department of Justice and the Interagency Council on Homelessness have criticized laws that criminalize “acts of living.”

### How City Ordinances Targeting the Homeless Prove Counterproductive

City ordinances targeting the homeless are counterproductive in several ways:

- **By increasing financial insecurity.** Economic need is a well-recognized cause of homelessness, and official citations or fines can exacerbate financial instability among those without permanent housing. What is more, when city officials enforce anti-homeless ordinances by confiscating property, already struggling households must expend scarce resources to replace food, clothing, medicines, work supplies or household goods.
- **By limiting access to jobs, services, and social support.** Citations may lead to warrants or create criminal records, prompting cycles of criminalization. Moreover, studies have documented that these citations and fines can hinder access to employment and social services. Restrictions on activity in public spaces, especially in downtown areas, can prevent access to services, employment or educational opportunities. And when anti-homeless policies involve forced relocations, they can disrupt social support networks.
- **By promoting stigmatization and threatening civil liberties.** Quality of life laws are often motivated by negative stereotypes and have been found to promote public stigmatization of unsheltered families. They can also heighten mistrust of public officials and service providers by people in need of their support. And in some of these laws have been found to violate constitutionally protected rights – which can lead to costly legal fees and court settlements for municipalities and their taxpayers.

### The Example of Anti-Homeless Ordinances in Honolulu

The crisis of homelessness and the damaging impacts of punitive ordinances have been especially visible in Honolulu. In 2015, the state of Hawaii had the highest rate of homelessness in the United States, and Honolulu had one of the highest numbers of homeless people among in small cities. Honolulu has also become notorious for criminalizing actions including legal bans against sitting or lying on sidewalks in several districts and restrictions on storing property in spaces or living in parks. Enforcement of these city ordinances has resulted in “sweeps” or “raids” of homeless encampments in Honolulu.

Officials, business owners and members of the public are understandably concerned about ways in which visible homeless encampments could harm the city's image, undercutting tourism, real-estate, and other commercial enterprises. But many people are unaware of the public and private costs inflicted by anti-homeless ordinances. A recent study found that the enforcement of Honolulu's sidewalk property and nuisance ordinances, as well as sit-lie bans, has caused stress, and trauma. Respondents impacted by city ordinances and raids reported feeling violated, hurt, and ashamed -- and “less than human.”

Homeless households also reported the loss of medicines, food, work supplies, children's school materials, and official identification documents like state IDs or licenses. Such losses can create obstacles to accessing services, health care, nutritional assistance, work or income support, and employment. In Honolulu, homeless individuals have often lost their possessions, or were forced either to pay up to \$250 to retrieve property from a distant location or to go through a difficult and often logistically impossible waiver process. City enforcement actions have required households to move, relocate, or lose the belongings they depend upon for basic survival. Relocation is especially burdensome for parents with children, persons with physical or mental disabilities, the sick and the elderly. Seizure of property can be traumatic, which is concerning since past experience with physical or domestic abuse are one risk factor for homelessness.

## Better Solutions

Research finds that Housing First policies provide an effective solution to chronic homelessness. Such strategies couple intensive support services and outreach to homeless people with the provision of stable housing. Honolulu has made wise investments in Housing First, with positive results. However, Honolulu's raids and sweeps on homeless households or encampments work in opposition to its positive housing initiatives, because punitive measures can create a climate of fear, mistrust, and chaos that undermines engaged public outreach to help the homeless.

In Honolulu, approximately \$700,000 per year has been spent on managing and disposing of property and enforcing anti-homeless ordinances. A recent court settlement found that the city of Honolulu violated constitutional rights against seizure of property without due process, making the city and county liable for legal fees and compensation for a class of plaintiffs.

Instead of spending resources on punishment and legal cases, Honolulu and other localities could devote resources to more permanent solutions – by expanding Housing First programs and supplementing them with additional steps such as rapid-rehousing, emergency rental relief to prevent eviction, and investments to increase the availability of low-income rental housing. Honolulu, like many high cost-of-living locales, should seek to maximize investments in public housing maintenance as well as in inclusionary zoning and rental assistance and tax credit programs to encourage more construction of low-income rentals.

**Read more in Jennifer Darrah-Okike, Sarah Soakai, Susan Nakaoka, Tai Dunson-Strane, and Karen Umemoto. *"It Was Like I Lost Everything": The Harmful Impacts of Homeless-Targeted Policies.* *Housing Policy Debate*, (2018).**