

# ANTI-CAMPING ORDINANCE TALKING POINTS

## Causes and Consequences of Criminalizing Behaviors Associated with Homelessness

1. **Homelessness is caused by a severe shortage of affordable housing.**
  - We need housing and real solutions that are proven to work. It can be ended. Two states and nineteen cities have now ended homelessness for veterans. We have the opportunity to end homeless in Pasadena. We have seen the numbers go down due to the hard work of our housing department and many others. We need housing that people can afford, not more arrests, penalizing people for being poor.  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/veteran\\_information/mayors\\_challenge/](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/veteran_information/mayors_challenge/)
2. **There is a direct correlation between the cuts in funding for affordable housing and the rise of homelessness and anti-camping measures.**
  - HUD's low- to moderate-income housing budget authority fell by 77 percent between 1978 and 1983. Homelessness is primarily caused by a severe shortage of affordable housing, exacerbated by an 85% reduction in federal funding for affordable housing. Despite these cuts, two states and nineteen cities have now ended homelessness for veterans. One of the few housing programs that has not been cut is funding for permanent supportive housing. This can be accessed by a city if there is land set aside to build this. Margaret McAustin is the first to make sure this is built in her district. Marv's place looks like a small Mediterranean Villa. It just won an award as one of the best permanent supportive housing in all of Southern California. We need this in every district.  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/veteran\\_information/mayors\\_challenge/](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/veteran_information/mayors_challenge/)
3. **There has been a significant rise in laws criminalizing homeless people in California, but these laws have only worsened, not solved, the problem.**
  - UC Berkeley Law's Policy Advocacy Clinic conducted an extensive study of this problem in 2015 and concluded that "criminalization harms homeless people and perpetuates poverty by restricting access to the social safety net, affordable housing, and employment opportunities." Since 2000, statewide arrests for "vagrancy" offenses have increased by 77 percent, even as arrests for "drunkenness" and "disorderly conduct" have decreased by 16 percent and 48 percent, respectively, suggesting that homeless people are being punished for their status, not their behavior. [http://www.homelesslivesmatterberkeley.org/pdf/CA\\_New\\_Vagrancy\\_Laws.pdf](http://www.homelesslivesmatterberkeley.org/pdf/CA_New_Vagrancy_Laws.pdf)
4. **Criminalization measures do nothing to address the underlying causes of homelessness**
  - The National Center on Homelessness and Poverty provides not only reasons why criminalization doesn't work but also offers policy solutions that have proven effective. <https://www.nlchp.org/criminalization> California's "quality-of-life" laws are a misnomer, because they devastate the quality of life of homeless people, with an aim to keep homeless people out of public spaces. <http://files.ctctcdn.com/32a36ff6001/acdee492-e1fd-4c9c-a3a5-98b796230bbc.pdf>
5. **Pasadena could lose HUD funding to address homelessness if it is found to have criminalized homeless people. In the April 11, 2016, Bill Huang, Pasadena's housing director was asked if this was the case and he agreed.**
  - In determining what projects are funded, HUD now examines whether applicant communities are preventing the criminalization of those experiencing homelessness by having ordinances that "ban camping in public spaces, ban loitering or begging, even limit to the time someone can spend sitting or lying down on a city sidewalk or park bench." <http://nationalhomeless.org/hud-puts-teeth-into-effort-to-stop-criminalizing-homeless-people/>
6. **The enforcement of anti-homeless laws is expensive, directing limited resources away from efforts that would effectively and humanely reduce homelessness.**

- At the City Council meeting on April 11th, Tyron Hampton asked Police Chief Philip Sanchez what would happen if someone was arrested for camping/sleeping. He said that after making make arrests, then going to court, and then to be checked out at Huntington Hospital, in the end they would be brought back to the streets. The expensive cost to tax payers would be better spent on permanent supportive housing for the homeless. Research shows that it costs taxpayers approximately \$40,000 a year for homeless people to stay on the street, and the cost to house a homeless person about \$20,000 a year. <http://www.politifact.com/truth-o-meter/statements/2012/mar/12/shaun-donovan/hud-secretary-says-homeless-person-costs-taxpayers/7>.

### **The enactment of anti-homeless laws raises significant moral, spiritual and legal questions about constitutional rights:**

7. **It could be cruel and unusual punishment if homelessness is criminalized without providing sufficient indoor places of shelter.** In April when the City Council gave the directive to the City Attorney to begin crafting this ordinance, the lawyer said that passing this new ordinance could violate the Eighth Amendment. In 2006 the Ninth Circuit Court of Appeals held a Los Angeles municipal law that prohibited sitting, lying, or sleeping in public places violated homeless people's Eighth Amendment right to be free from "cruel and unusual punishment" since homeless people need to sleep and rest and the city did not provide them with the means to do so. This ruling called into question CA State Municipal Code 647 (e) which states that "lodging in any building, structure, vehicle or place, whether public or private, without the permission of the owner or person entitled to the possession or control of it." Municipalities that have tried to implement this law could face law suits if they do so. Public funds created public walkways and the public should have a right to use them if there is no other legal place to rest.
8. **It is immoral and against God's laws to prevent someone from shelter and rest.** Within most religious teachings, including Christianity, believers are directed to protect the rights of the poor and those without a home. "A righteous man knows the rights of the poor; a wicked man does not understand such knowledge" (Proverbs 29:7). "If your brother becomes poor and cannot maintain himself with you, you shall support him as though he were a stranger and a sojourner, and he shall live with you" (Leviticus 25:35-36) See [https://www.openbible.info/topics/helping\\_the\\_homeless](https://www.openbible.info/topics/helping_the_homeless)
9. **It is against the UN International Declaration of Human Rights to prevent sleeping which is a basic human need to survive.** The US was a signatory of UN Declaration of Human Rights in 1948. This Declaration is not legally binding but sets a moral standard by which nations are judged and to which they are supposed to aspire. Article 25 states that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services." In 1949, Congress enacted the US Housing Act, which called for "a decent and suitable living environment for every American family." Our nation's and our city's aspirational goal is to provide affordable housing for everyone, not criminalize those who can't afford housing. See [https://en.wikipedia.org/wiki/Right\\_to\\_housing](https://en.wikipedia.org/wiki/Right_to_housing)

### **Myths and Stereotypes about Homelessness**

For year's cities and their residents have been dealing with how to respond to the realities modern homelessness and poverty. We often labelled those without a home as "the homeless" and as people who ask for money in public areas as panhandlers. These two behaviors are separate but are often cited together by cities addressing "The Homelessness Issue". Cities are often prompted to respond in some manner, usually through criminalization measures, due to public complaints, demands on law enforcement and legal departments, public health and public safety concerns, which are at times perpetuated by stereotypes and improper understanding of human relations.

10. **Myth: People who beg on the street make vast amounts of money.** A Pasadena police officer publicly stated that panhandlers make \$200 an hour in Pasadena.

**Reality:** This is a rumor that has been passed around. If true, this would make Pasadena the most generous city in California. In San Francisco, a study showed that panhandlers average \$25 per day. Regardless perceptions the community has of persons who are asking for money, it is still right to free speech.

- Many people panhandle because they cannot find work or affordable housing, or live on the limited income they receive from SSI or from GR. Most homeless people would prefer to work than panhandle. Albuquerque's Republican mayor offered homeless residents a chance to clean streets, and this program proved very successful. See <https://www.washingtonpost.com/news/inspired-life/wp/2016/08/11/this-republican-mayor-has-an-incredibly-simple-idea-to-help-the-homeless-and-it-seems-to-be-working> and <https://thinkprogress.org/everything-you-think-you-know-about-panhandlers-is-wrong-36b41487730d#.t8sjkvbja>
- **Reason to ask for money in public is complex and individual.** Many do so in order to pay their rent or keep their cars. Pasadena Police also stated publicly that some panhandlers have homes (and even Mercedes!), thereby implying they didn't need to beg for money. It is true that some people who ask for money do live in cars, motels or shared apartments, and panhandle to make rent payments, or to cover car expenses. If they didn't panhandle, many would end up destitute on the street. It should also be noted that 45% of homeless people work part-time and 10% of students in California's higher education system are homeless at some point. <http://www.lifeofthelaw.org/2014/06/the-right-to-beg/> and <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/09/AR2010070902357.html>

**11. Myth: "Homeless people" are "service-resistant," because they want to live on the streets.** A police officer from Pasadena's Hope Team stated that 80% of homeless people are "service resistant" implying homeless folks prefer living on the street.

**Reality:** It is true that there are people who do not want to go to shelters, or be forced into treatment. Some prefer jail to a treatment center. Many suffer from mental illness or substance use issues making them wary of authorities. With time and trust building on the part of HOPE team and Coordinated Entry System and Street Outreach teams, many are now in housing. The reason why permanent Supportive Housing is so effective is that it provides permanent housing first—bypassing the shelters and transitional housing, thus ending homelessness. Folks can enter housing, get stable and then work on their issues. One doctor who works with homeless people said that he wishes he could write a prescription an apartment and then renew it twelve times! Supportive housing doesn't need to be renewed.

- Pasadena has housed over 80 of the most chronically homeless and Utah has housed 90% of its chronically homeless folk using the Housing First model, which offers chronically homeless people a permanent, affordable home with wrap-around services if they are desired. With the right approach, the vast majority of homeless people are willing and able to be housed and many will seek treatment voluntarily when they are ready. <http://www.npr.org/2015/12/10/459100751/utah-reduced-chronic-homelessness-by-91-percent-heres-how>

**12. Myth: Recent changes to State Laws have seen the release of large numbers of former inmates from jails, and most end up homeless, leading to an increase in crime.**

**Reality:** Thanks to Prop 57, and requirements by the Supreme Court to reduce prison crowding, California has dramatically lowered incarceration—by about 55,000 inmates since 2006—with no broad increase in crime.

- Yet recidivism rates remain high and corrections spending continues to rise. Many people released from jail end up on the street and return to prison because of a lack of support services. Rather than send homeless former inmates back to jail (where it cost \$64,000 a year to house in 2016), inmates who are trying to reenter society need to be supported. <http://www.ppic.org/main/publication.asp?i=1208> and [http://www.endhomelessness.org/pages/re\\_en](http://www.endhomelessness.org/pages/re_en) and [www.pasadenastarnews.com/article/ZZ/20111219/NEWS/111219233](http://www.pasadenastarnews.com/article/ZZ/20111219/NEWS/111219233)

**13. Myth: We need more laws to address camping on the street.**

**Reality:** Existing laws and codes that address these behaviors. Pasadena police do not need "new tools," i.e. more stringent laws, to protect the public from aggressive panhandlers and camping. These current laws already provide ample protection to businesses and property owners:

- a. If anyone leaves something (e.g. a tent or sleeping bag) on someone else's private property, the owner can toss it in the trash or sell it as abandoned property. If someone leaves their property on a publicly owned site, according to Officer Domino Scott-Jackson, police have a right to evict people from a public place using a 72 hour notice and at hour 73, their belongings can then be removed. Items must be kept in storage for 30 days. If they aren't claimed, they can be disposed of.

- b. Property owners have a right to put up a No Trespassing sign on their property. If someone goes on their property without permission to do so, they can call the police and the police on request of the owner can arrest the person for trespassing under Penal Code (PC) 602(o)(2).
- c. A business owner can file a "Trespass Enforcement Authorization Letter" with the police department that allows officers to make arrests of those individuals who are on the property afterhours. If that letter were not on file, the officers could not request the individuals to leave or make any arrests. They would have to contact the owners every single time they find people at the property to investigate whether or not the person has permission from the owner to be there.
- d. A person can be arrested for illegal camping or lodging under Pasadena Municipal code(PMC) 3.24.110(8) and/or Penal Code(PC) 647(e)
- e. A person in possession of a shopping cart (with an identified business) could face a violation of PMC9.62.070 and PC485.
- f. Businesses and churches that are open to the public have the right to ask folks to leave under PC602(o)(2). When the owner asks someone to leave and they refuse, they can be arrested.
- g. Currently, it's not illegal to pan-handle in Pasadena, as long as you are not blocking the driveway, impeding traffic or standing in the street (See Vehicle Code 22520.5(a) – infraction). But threatening behavior by a panhandler can be considered "accosting," a crime according to California Penal Code Section 647.
- h. If someone feels harassed by a pan handler, a citizen's arrest can be made, showing that the panhandler intends to do something illegal, under code PC647(c), which addresses aggressive panhandling.