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A Dream Denied: The Criminalization of Homelessness in U.S. Cities

NCH Fact Sheet

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Overview of the National Problem

The housing and homelessness crisis in the United States has worsened in 2005, with many cities reporting an increase in demands for emergency shelter. In 2005, 71 percent of the 24 cities surveyed by the U.S. Conference of Mayors reported a 6 percent increase in requests for emergency shelter.¹ Even while the requests for emergency shelter increase, cities do not have adequate shelter space to meet the need. In the 24 cities surveyed in the U.S. Conference of Mayors Hunger and Homelessness Survey for 2005, an average of 16 percent of overall emergency shelter requests went unmet, with 32 percent of shelter requests by homeless families unmet.² The lack of available shelter space – a situation made worse by the Gulf Coast hurricanes - leaves many homeless persons with no choice but to struggle to survive on the streets of our cities.

Over the course of the year, 3.5 million Americans will experience homelessness.³ The number of people living on the streets threatens to grow as thousands of people are now homeless as a result of Hurricane Katrina. According to the Federal Emergency Management Agency, as of late November, approximately 50,000 hurricane evacuees remained in hotels and motels awaiting alternative housing options.⁴

An Unjust Response to the Problem

An unfortunate trend in cities around the country over the past 25 years has been to turn to the criminal justice system to respond to people living in public spaces. This trend includes measures that target homeless people by making it illegal to perform life-sustaining activities in public. These measures prohibit activities such as sleeping/camping, eating, sitting, and begging in public spaces, usually including criminal penalties for violation of these laws.

Types of Criminalization Measures

¹ U.S. Conference of Mayors, *A Status Report on Hunger and Homelessness in America's Cities: A 24-City Survey 5* (Dec. 2006).

² *Id.*

³ Martha Burt et al., *Helping America's Homeless* 49-50 (The Urban Institute Press, 2001).

⁴ Federal Emergency Management Agency, "FEMA Extends Deadline for Evacuees," Nov. 22, 2005, at http://www.fema.gov/news/newrelease_print.fema?id=20818.

The criminalization of homelessness takes many forms, including:

- Legislation that makes it illegal to sleep, sit, or store personal belongings in public spaces in cities where people are forced to live in public spaces;
- Selective enforcement of more neutral laws, such as loitering or open container laws, against homeless persons;
- Sweeps of city areas where homeless persons are living to drive them out of the area, frequently resulting in the destruction of those persons' personal property, including important personal documents and medication; and
- Laws that punish people for begging or panhandling to move poor or homeless persons out of a city or downtown area.

Criminalization Measures Have Increased

City ordinances frequently serve as a prominent tool to criminalize homelessness. Of the 224 cities surveyed for our report:

- 28% prohibit “camping” in particular public places in the city and 16% had city-wide prohibitions on “camping.”
- 27% prohibit sitting/lying in certain public places.
- 39% prohibit loitering in particular public areas and 16% prohibit loitering city-wide.
- 43% prohibit begging in particular public places; 45% prohibit aggressive panhandling and 21% have city-wide prohibitions on begging.

The trend of criminalizing homelessness appears to be growing. Of the 67 cities surveyed in both NCH and NLCHP's last joint report in 2002 and in this report:

- There is a 12% increase laws prohibiting begging in certain public places and an 18% increase in laws that prohibit aggressive panhandling.
- There is a 14% increase in laws prohibiting sitting or lying in certain public spaces.
- There is a 3% increase in laws prohibiting loitering, loafing, or vagrancy laws.

Another trend documented in the report is increased city efforts to target homeless persons indirectly by placing restrictions on providers serving food to poor and homeless persons in public spaces.

While cities are cracking down on homeless persons living in public spaces, according to the latest U.S. Conference of Mayors Hunger and Homelessness report, cities do not have adequate shelter to meet the need:

- 71% of the 24 cities surveyed by the U.S. Conference of Mayors reported a 6% increase in requests for emergency shelter.

- 16% of overall emergency shelter requests went unmet and 32% of emergency shelter requests by homeless families went unmet in cities surveyed.

The Meanest Cities

Although some of the report's top 20 meanest cities have made some efforts to address homelessness in their communities, the punitive practices highlighted in the report impede progress in solving the problem. The top 20 meanest cities were chosen based on the number of anti-homeless laws in the city, the enforcement of those laws and severities of penalties, the general political climate toward homeless people in the city, local advocate support for the meanest designation, the city's history of criminalization measures, and the existence of pending or recently enacted criminalization legislation in the city.

- 1. Sarasota, FL**
- 2. Lawrence, KS**
- 3. Little Rock, AR**
- 4. Atlanta, GA**
- 5. Las Vegas, NV**
- 6. Dallas, TX**
- 7. Houston, TX**
- 8. San Juan, PR**
- 9. Santa Monica, CA**
- 10. Flagstaff, AZ**
- 11. San Francisco, CA**
- 12. Chicago, CA**
- 13. San Antonio, TX**
- 14. New York City, NY**
- 15. Austin, TX**
- 16. Anchorage, AK**
- 17. Phoenix, AZ**
- 18. Los Angeles, CA**
- 19. St. Louis, MO**
- 20. Pittsburgh, PA**

The Criminalization of Homelessness report comes out every two years, in January. The entire report is available on NCH's website: (www.nationalhomeless.org).

Source: National Coalition for the Homeless (NCH) and National Law Center on Homelessness & Poverty (NLCHP), *Illegal to be Homeless: The Criminalization of Homelessness in the United States* (2002); NCH, *Illegal to be Homeless: The Criminalization of Homelessness in the United States* (2003); NCH, *Illegal to be Homeless: The Criminalization of Homelessness in the United States* (2004); NCH and NLCHP, *A Dream Denied: The Criminalization of Homelessness in U.S. Cities* (2006)