



NEGATIVE IMPACTS OF AN “URBAN CAMPING BAN” IN DENVER

While we believe that no person should have to live on the streets to survive, and we share the goals of the city and business community to reduce homelessness on our streets, we have repeatedly urged city leaders to avoid policies that would criminalize homelessness.

Given the lack of adequate emergency shelter to meet the needs of our citizens in Denver, the lack of health, mental health, and substance treatment services for those experiencing homelessness, and the lack of adequate permanent supportive housing and affordable housing for those in need, creating an urban camping ban would criminalize survival activities for persons experiencing homelessness. This would essentially criminalize the status of being homeless even though there are no adequate or appropriate alternatives for them.

Such an effort would not only be unfair and shortsighted, it would also be counter-productive. It would force those without shelter into our neighborhoods and further out of sight. This would make outreach and engagement even more difficult. It would also negatively impact the quality of life in our neighborhoods as people without shelter would be hiding in alleys, dumpsters and cars throughout the city.

This ordinance would also increase costs to the city through increased citations, court costs, and jail days, essentially negating the efforts of the Crime Prevention and Control Commission to reduce jail days and system costs. It would also create additional barriers to housing and employment for those arrested for violating the ban, placing these real solutions further out of reach for these individuals.

Equally important, this proposed ordinance would divert our efforts from fighting to end homelessness to fighting efforts to criminalize homelessness.

Negative Impact on Gaining and Sustaining Housing

- > Exclusionary housing policies are a significant barrier to obtaining housing for homeless individuals with criminal records. Nearly all public housing units and many private landlords ban tenants who have any criminal record, no matter how small.¹
- > Guidelines allow Public Housing Authorities to reject applicants based solely on arrest records, even if the charges were dropped afterwards.²

Negative Impact on Gaining and Sustaining Employment

- > Many homeless individuals are employed; about 40 percent have some type of paid employment, often day-labor.³ When people are ultimately incarcerated under ordinances such as an Urban Camping Ban, they will miss work, leaving them at greater risk for losing their job and creating staffing losses for their employers. Without a steady source of income, moving out of homelessness becomes much more difficult, if not impossible.
- > The collateral consequences of having an arrest or minor offense on one’s record can result in difficulty in obtaining employment. Citations given for minor offenses often have a fine attached.

When these fines go unpaid, they can result in jail time. In a recent survey of mostly larger employers, over 90 percent performed a criminal background check on some or all job applicants.⁴

- > Thirty-eight states permit employers to ask about or rely on arrests that never resulted in convictions when making employment decisions, including Colorado.⁵

Negative Impact on Services and Service Providers

- > When cities target homeless people through criminalization measures or sweeps, they frequently move them from locations where homeless service providers can regularly reach them – thereby wasting precious resources and making it that much more difficult for homeless people to move out of homelessness.
- > Targeted individuals may be engaged in a program, receiving or eligible for public benefits, or receiving services from a local provider. When those homeless individuals are incarcerated, they will be unable to access longstanding medical appointments and other services, public benefits, or maintain contact with the service provider.
- > Policies that force outreach workers to become extensions of the law can reduce their credibility among the community they serve and, consequently, their ability to deliver interventions that will end homelessness.

Negative Impact on Health

- > The acute and chronic medical conditions of people without stable housing are exacerbated by limited access to health services. Cuts become infected; routine colds develop into pneumonia; and manageable chronic diseases such as hypertension, diabetes, and HIV become disabling, life-threatening, and costly conditions if left untreated. Homeless individuals are three-to-four times more likely than their housed counterparts to die prematurely due primarily to untreated acute and chronic medical problems.⁶ In this context, laws or policies (such as arrests and sweeps) that result in the loss or destruction of important medication or that keep homeless persons from accessing food or services can result in even greater harm to those individuals living on the streets.

Negative Impact on Education Attainment

- > In a study conducted between September and October 2009, the Center for Community Alternatives and the American Association of Collegiate Registrars and Admissions Officers discovered that, out of 273 United States colleges surveyed, 66 percent collected criminal-background checks on applying students. In addition, some colleges let youthful offender adjudications and misdemeanor offenses negatively impact an applicant's admission chances.⁷
- > According to the U.S. Census Bureau, there has been a 16 percent increase in the number of college students 35 and older in October 2010. They made up 34 percent of those attending school part time.⁸

Negative Impact on Criminal Justice System

- > Law enforcement officers are not sufficiently trained to deal with the issues of homelessness, mental illness, and substance abuse. While six percent of the general population suffers from a serious mental illness, the Substance Abuse and Mental Health Services Administration has reported that approximately 39 percent of people who are homeless have a mental disorder. In addition, an estimated 50 percent of adults with serious mental disorders who are homeless experience a substance abuse disorder as well.⁹
- > Using the criminal justice system to address homelessness can be a very costly approach. The costs associated with criminalizing homelessness include law enforcement costs, court costs, and jail costs. These costs vary from county to county, but are generally higher than the cost of providing shelter or permanent housing.

- > Denver currently has 10 ordinances that prohibit necessary daily survival actions – an additional ordinance is unnecessary.
- > People are often jailed even when the underlying offense for which they are cited does not carry a jail penalty, because failing to pay the fine can result in jail time. Since the original offense was not punishable by jail, they are often not entitled to legal representation by the Public Defender’s office.

Legal Issues with Criminalizing Homelessness

- > When a city destroys a homeless person’s belongings, such actions may violate the Fourth Amendment right to be free from unreasonable searches and seizures.
- > As highlighted by the recent U.S. Supreme Court decision in *Brown v. Plata*, overcrowding in our prisons and jails can lead to safety concerns, civil rights violations and lawsuits challenging those conditions.¹⁰
- > When a city enforces a law that imposes criminal penalties on a homeless person for engaging in necessary life activities such as sleeping in public, such a law could violate that person’s Eighth Amendment right to be free from cruel and unusual punishment if the person has nowhere else to perform the activity. For persons with disabilities, this may be particularly relevant.
 - In *State v. Wicks, Nos. 2711742 & 2711743, 2000*: Police officers arrested Wicks, a homeless father and his son, for violating Portland City Code, Title 14, 14.08.250, which prohibits ‘camping’ in any place where the public has access or under any bridge or viaduct. The Wicks claimed the ordinance violated their right to be free of cruel and unusual punishment, the right to equal protection under the Fourteenth Amendment, and their right to travel. The court agreed and found the ordinance as applied to homeless people violated Article 1 & 16 of the Oregon Constitution and the Eighth Amendment to the U.S. Constitution.¹¹
 - Shelters may lack the capacity to provide adequate supportive services to people who have disabilities. For example, a guest who has cancer may not have the support needed to manage the side effects of their treatment. Additionally, special diets and assistive devices are often unavailable to those who need them. Many shelters are not wheelchair accessible, do not have elevators, require walks up several flights of stairs, and only have bunk bed sleeping arrangements. Hence, for those with physical limitations on movement, shelters may not be possible to navigate.
- > Violence and thievery are extremely hard to eliminate from shelters, and disabled persons are frequently the victims. Reports of predators targeting disabled persons on check day (in shelters and elsewhere in the community) are common.
- > When a city passes a loitering or vagrancy law that provides insufficient notice of what types of conduct it prohibits, or allows for arbitrary enforcement by law enforcement officials, such a law may be overly vague, in violation of the Constitution.

“Housing First” Programs are Cost Effective Alternatives to Criminalization

- > The cost of serving homeless individuals in nine different cities across the U.S. found supportive housing to be the cheapest option in addressing the needs of homeless people when compared to jails, prisons, and mental hospitals. For several cities, supportive housing was also found to be cheaper than housing homeless individuals in shelters.¹²
 - The Colorado Coalition for the Homeless reports that their Housing First program reduced emergency service costs for chronically homeless individuals with disabilities by more than 72 percent. Total costs savings to the community averaged \$31,545 per participant, per year. Incarceration days and costs were reduced by 76 percent.¹³

- Massachusetts Housing and Shelter Alliance reports the estimated costs associated with prison or jail time is \$123 per person, per day or \$32,595 a year, compared to \$15,468 per person, per year or \$58.36 per person, per day in permanent supportive housing.¹⁴
- Utah’s largest homeless shelter, The Road Home, studied homelessness costs and found that the annual costs for a person in permanent supportive housing is about \$6,100. Then they studied the annual costs of shelter, jail, and hospital services and found them to be much higher: \$6,600 for shelter at the Road Home, \$25,500 in the Salt Lake County Jail, \$35,000 in the State prisons, and \$146,730 in the State Mental Hospital.¹⁵
- A cost analysis of two Housing First programs in Portland, Maine reported significant decreases in emergency room costs (62 percent), health care costs (59 percent), ambulance transportation costs (66 percent), police contact costs (66 percent), incarceration (62 percent), and shelter visits (98 percent). The average cost savings produced by the first year of living in permanent supportive housing was \$944 per person annually. The total annual cost savings was \$93,456 for all 99 tenants.¹⁶
- A 2012 report of the Massachusetts statewide Housing First program, Home & Healthy for Good, compared Medicaid, shelter, and incarceration costs per person before and after housing. The study revealed costs before housing were an estimated \$33,505 per person, per year while the same expenses were just \$8,614 after housing.¹⁷
- A study of a Housing First program for homeless alcoholics in Seattle, Washington, found that the Housing First program was successful in both reducing costs to taxpayers as well as reducing substance use by participants. The study found that the program saved taxpayers more than four million dollars over the first year of operation. During the first six months, even after considering the cost of administering housing for the 95 residents in a Housing First program in downtown Seattle, the study reported an average cost savings of 53 percent—nearly \$2,500 per month per person in health and social services, compared to the costs of a wait-list control group of 39 homeless people.¹⁸

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1 U.S. Department of Housing and Urban Development. (2003). Public Housing Occupancy Guidebook. Available at <http://www.hud.gov/offices/pih/programs/ph/rhiip/phguidebooknew.pdf>.

2 Ibid.

3 United States Interagency Council on Homelessness. (1999). Homelessness: Programs and the People They Serve. Available at <http://www.huduser.org/publications/pdf/HUD-8774.pdf>.

4 Society for Human Resource Management. (2010). Background Checking: Conducting Criminal Background Checks SHRM Poll. Available at <http://www.shrm.org/Research/SurveyFindings/Articles/Pages/BackgroundCheckCriminalChecks.aspx>.

5 Legal Action Center. (2009). After Prison: Roadblocks to Reentry 2009 Update. Available at <http://www.lac.org/roadblocks-to-reentry/upload/lacreport/Roadblocks-to-Reentry--2009.pdf>.

6 O’Connell, J.J. (2005). Premature Mortality in Homeless Populations: A Review of the Literature. Available at <http://santabarabarastreetmedicine.org/wordpress/wp-content/uploads/2011/04/PrematureMortalityFinal.pdf>.

7 The Center for Community Alternatives and the American Association of Collegiate Registrars and Admissions Officers. (2009). Undergraduate Admission Process for Applicants with Criminal Records Survey. Available at http://www.aacrao.org/Files/Federal%20Relations%20and%20Public%20Policy%20Files/Survey%20Results/admissions_criminal.pdf.

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- 8 United States Census Bureau. (2010). School Enrollment - Social and Economic Characteristics of Students: October 2010. Available at <http://www.census.gov/hhes/school/data/cps/2010/tables.html>.
 - 9 Substance Abuse and Mental Health Services Administration (2002). Report to Congress on the Prevention and Treatment of Co-Occurring Substance Abuse Disorders and Mental Disorders. Available at <http://www.samhsa.gov/reports/congress2002/chap4hrp.htm>.
 - 10 Brown v. Plata, 131 S. Ct. 1910. (2011). Available at http://scholar.google.com/scholar_case?case=4913884626785841743&q=Brown+v.+Plata&hl=en&as_sdt=2,6.
 - 11 National Law Center on Homelessness and Poverty. (2011). Criminalizing Crisis: The Criminalization of Homelessness in U.S. Cities. Available at <http://www.nlchp.org/content/pubs/11.14.11%20Criminalization%20Report%20&%20Advocacy%20Manual,%20FINAL1.pdf>.
 - 12 The Lewin Group. (2004). Costs of Serving Homeless Individuals in Nine Cities. Available at http://www.lewin.com/~media/lewin/site_sections/publications/2991.pdf.
 - 13 Perlman, J. and Parvensky, J. (2006). Cost Benefit Analysis and Program Outcomes Report, Denver Housing First Collaborative. Available at http://www.coloradocoalition.org/userfiles/Housing/Executive_Summary_DHFC_study.pdf.
 - 14 Massachusetts Housing and Shelter Alliance. (2012). March 2012 Home & Healthy for Good Progress Report. Available at <http://www.mhsa.net/matriarch/documents/March%202012%20HHG%20Report.pdf>.
 - 15 Utah Department of Community and Economic Development. (2004). Utah's Ten-Year Business Plan to End Homelessness. Available at <http://www.usich.gov/slocal/plans/utah.pdf>.
 - 16 Mondello, M. et al. (2007). Cost of Homelessness: Cost Analysis of permanent supportive housing. Corporation for Supportive Housing. Available at <http://www2398.sslldomain.com/nlihc/doc/repository/ME-Cost-Of-Homelessness.pdf>.
 - 17 Massachusetts Housing and Shelter Alliance. (2012). March 2012 Home & Healthy for Good Progress Report. Available at <http://www.mhsa.net/matriarch/documents/March%202012%20HHG%20Report.pdf>.
 - 18 Larimer, M.E. et al. (2009). Health Care and Public Service Use and Costs Before and After Provision of Housing for Chronically Homeless Persons with Severe Alcohol Problems. *Journal of the American Medical Association*. Available at <http://jama.ama-assn.org/content/301/13/1349.abstract>.