



Illegal to be Homeless

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One topic that I have come across recently is the legality of homelessness. How can it be illegal to be homeless, you ask? How can we fine or jail people who are just fighting to meet their basic needs? It sounds backwards to punish those who have no choice to sleep on the streets due to lack of housing and full shelters.

Most recently in October 2018, Hungary put a constitutional ban against homelessness. Under Article 22 of the revised constitution, homeless people who refuse to go to shelters will be forced to enroll in public work programs, which can only be avoided by paying a fine. If they can't face those fines, then they will have to spend time in prison. United Nations reporter, Leilani Farha, voiced her concerns of the in humane and degrading treatment of some of the country's most vulnerable population. Saying that the government "has treated those without homes as criminals."

We would never do that here in the United States though, right? Wrong, there are actually a growing number of cities in the United States where it is illegal to be homeless. Recently in 2017, a Houston, Texas judge put a ban on homeless people putting up any tent or temporary shelter in a public place. The law also prohibits the homeless from using camp stoves or grills, and from keeping more personal property than could fit in a small container. U.S. District Judge Kenneth Hoyt blocked the ordinance in August 2017, stating that "criminalizing the status of an individual has long been prohibited by the Constitution."

The city of Eugene, Oregon created a "dusk-to-dawn" program in October of 2018 allowing overnight sleeping in several places. If someone is found sleeping with their belongings outside of those designated areas, police will ticket them for illegal camping. In 2017 more than 450 people were cited.

In Dallas, the police can cite you for loitering or panhandling in certain public areas at certain times. It's also considered a crime to sleep in public spaces. With a lack of space in shelters across the city, many homeless are left with no choice but to sleep on the street and risk being cited. Between 2012 and 2015, the Dallas police wrote more than 11,000 citations to homeless people for sleeping on the streets. These citations can be anywhere from \$100-300, and if left unpaid, can result in jail time.

The NLCHP (National Law Center on Homelessness & Poverty) are tracking the laws around the country criminalizing homelessness and fighting them. NLCHP senior attorney, Tristia Bauman says, "Criminalization laws are the least effective and most expensive way for cities to address homelessness in their communities." She elaborates by saying, "Arrested homeless people return to their communities, still with nowhere to live," the report states. "Moreover, criminal

convictions -- even for minor crimes -- can create barriers to obtaining critical public benefits, employment, or housing, thus making homelessness more difficult to escape."

The only thing laws criminalizing homelessness do is harm those who are already down. With shelters already at capacity and nowhere to go they have no choice but to sleep in the streets and hope that they don't get a citation that they can't pay. These laws will never help because they don't look at the root problem, they simply apply the "out of sight out of mind" concept.

Sources:

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