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Via email

May 18, 2017

Dear Chair Kelley, Vice Chair Denys, and Councilors,

We at the National Law Center on Homelessness & Poverty urge Volusia's elected officials to act in the city's best interest in addressing homelessness by rejecting the proposed First Step Shelter and criminalization approach suggested by Dr. Robert Marbut in his 2014 report to the county. We urge the city to instead focus on Housing First and decriminalization of homelessness, in line with federal policy and national best practices.

The Law Center has worked for more than 25 years to end and prevent homelessness through policy advocacy, public education, and impact litigation. Our deep experience in best (and worst) practices in addressing homelessness gives us concern that the First Step Shelter, while well-intentioned, conflicts with the evidence-based Housing First approach of providing permanent housing up front with necessary supportive services. First Step, as proposed, requires people to "earn" housing in ways that have been shown repeatedly to be counterproductive. As a result, First Step is likely to impose a cost on the county without effectiveness in reducing homelessness. Additionally, although Dr. Marbut claims he does not want to criminalize homeless persons' otherwise innocent behavior, his report makes recommendations to do exactly that (using the existence of the First Step Shelter as part of that plan). Criminalization of homelessness only imposes further barriers to housing for many people experiencing homelessness at significant cost to the county. Enforcing those laws, and potentially defending them in court, would deprive the city of funds that would be much more effectively spent by providing housing and social services.

Proposed First Step Shelter

We commend the county council on being ready to commit \$7 million to addressing homelessness in Volusia. However, contrary to the assertions in Dr. Marbut's report that his approach is based on national best practices, Housing First is by far the most efficient and effective way to address chronic homelessness, by addressing housing needs first with

wraparound services in place.¹ Utah’s Housing First program, for instance, has saved the state \$5,670 per person per year while reducing chronic homelessness by 74% since 2005.² A Housing First development in Charlotte, NC, stably housed its formerly homeless residents, resulting in an 81% reduction in ER visits and a savings of \$2.4 million in hospital billing, and an 82% reduction in arrests and over 1,000 fewer nights spent in jail by residents.³ It turns out that people need housing as a base to be able to take advantage of other services. With housing, most can successfully address mental health or addiction problems; without housing, most cannot. This is why the federal Department of Housing & Urban Development has heavily incentivized its homelessness grants to switch from a long-term shelter model to Housing First, and the U.S. Interagency Council on Homelessness has prioritized it as part of its work to implement the Federal Strategic Plan to End Homelessness.⁴

There is a role for low-barrier shelters in communities, but it is one that enables quick intake and transition directly into permanent housing solutions.⁵ Unfortunately, Dr. Marbut’s plan for the First Step Shelter is only initially low-barrier, but then uses a disproven, paternalistic model of conditioning residents’ stay on compliance with the programs offered.⁶ Indeed, when pressed in interviews, Dr. Marbut becomes evasive and is unable to demonstrate proof of the success of his approach.⁷ However, clear evidence shows low-barrier shelters can work successfully in conjunction with Housing First model if they get people off the streets but then integrating them quickly into permanent supportive housing within communities, with few barriers to continued enrollment.⁸ Further, the First Step Shelter will be located far outside of downtown and would create an isolated and artificial community of temporarily sheltered residents, many of whom face multiple mental and physical health issues. While the First Step Shelter would provide for homeless persons’ immediate shelter and hygiene needs that are not currently addressed, it would fail to provide the stability from which Housing First builds its success.

Dr. Marbut’s Criminalization Proposals

Although people would presumably be allowed to come and go as they please from First Step, their mobility is limited by the remoteness of the facility and if they leave, they will quickly subject themselves to the other criminalization policies suggested by Dr. Marbut. Although his report claims to reject criminalization, he explicitly recommends creating uniform ordinances across the county that will stop “enabling” homelessness, with a focus on stopping food sharing and panhandling, and he references needing to create First Step for “Pottinger compliance.”⁹

¹ See U.S. Interagency Council on Homelessness, *Housing First* (2017),

<https://www.usich.gov/solutions/housing/housing-first>; NATIONAL LAW CENTER ON HOMELESSNESS AND POVERTY, HOUSING NOT HANDCUFFS 37 (2016), available at <https://www.nlchp.org/documents/Housing-Not-Handcuffs>.

² See Kerry Drake, *Wyoming Can Give Homeless a Place to Live and Save Money*, WyoFile.com (Dec. 3, 2013), <http://wyofile.com/kerrydrake/wyoming-homelessness-place-live-save-money/>.

³ M. Lori Thomas, et. al., Moore Place Permanent Supportive Housing Evaluation Study Final Report, University of North Carolina at Charlotte (2014), <http://www.urbanministrycenter.org/wp-content/uploads/2014/04/Moore-Place-Evaluation-Project-Final-Report-4-28-15.pdf>.

⁴ U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, OPENING DOORS: FEDERAL STRATEGIC PLAN TO END HOMELESSNESS 14-15, 29, 34 (2015),

https://www.usich.gov/resources/uploads/asset_library/USICH_OpeningDoors_Amendment2015_FINAL.pdf.

⁵ See Katy Miller, *Using Shelter Strategically to End Homelessness*, U.S. Interagency Council on Homelessness, Apr. 1, 2016, <https://www.usich.gov/news/using-shelter-strategically-to-end-homelessness>.

⁶ Robert Marbut, *Homeless Services Gaps Analysis of Volusia County*, 12 (Oct. 2014), <http://www.codb.us/DocumentCenter/View/12765>.

⁷ See VICE News, *Hiding the Homeless* (Nov. 23, 2015), <https://news.vice.com/video/hiding-the-homeless-full-length>; Arthur Delaney, *How a Traveling Consultant Helps America Hide the Homeless*, Huffington Post (Mar. 17, 2015), http://www.huffingtonpost.com/2015/03/09/robert-marbut_n_6738948.html.

⁸ See, e.g. Gwen McQueeney, *How our shelter began focusing on permanent housing and started ending homelessness for our clients*, U.S. Interagency Council on Homelessness (2014), <https://www.usich.gov/news/how-our-shelter-began-focusing-on-permanent-housing-and-started-ending-home>.

⁹ See Marbut, *supra* note 6, at 23-24.

The latter refers to the *Pottinger v. Miami* case, which says it is unconstitutional to criminally punish homeless individuals for life-sustaining activities like sleeping in the absence of a legal alternative place they can sleep. Like all strategies which promote the criminalization of homelessness, this burdens homeless persons' lives and negates the benefits of broader housing efforts. Individuals cited or arrested will develop criminal records, making it more difficult for them to access needed employment, housing, and benefits.¹⁰ Moreover, they increase the financial burden on the community as expensive law enforcement resources are used to address to the social service failing that causes homelessness.

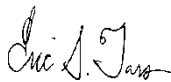
Constructive policies aimed at reducing homelessness are cheaper and more effective. Providing housing and services has repeatedly been shown to be three or more times less expensive than police, jail, court, and medical costs imposed by criminalization measures.¹¹ A 2014 analysis by Creative Housing Solutions evaluated the cost of homelessness in Central Florida and found that providing chronically homeless people with permanent housing and case managers would cost approximately \$10,000 per year; \$21,000 less than the region was spending on law enforcement and medical costs for each chronically homeless person, saving taxpayers \$149 million over the next decade.¹²

This approach has been proven in places like Philadelphia, which reduced the number of unsheltered homeless persons downtown from 800 to 200 by working with local advocates to implement police protocol that promotes outreach and referrals to housing and services—the protocol calls for no arrests if shelter space is unavailable and increases resources for services, shelter, and housing. In contrast, taking a criminalization approach in conjunction with the First Step Shelter as prescribed by Dr. Marbut would actually decrease its effectiveness.

Additionally, criminalization approaches are likely to be challenged in court, further drawing resources away from actually solving the problems of homelessness. Courts, the U.S. Interagency Council on Homelessness, the U.S. Department of Justice, and U.N. experts have criticized criminalization of homelessness as a civil and human rights violation.¹³ In 2014 two of the top U.N. human rights bodies called on communities within the U.S. to cease criminalizing homelessness and implement constructive alternatives, condemning criminalization of homelessness as cruel, inhuman, and degrading.¹⁴

For all these reasons, we urge Volusia to fully embrace Housing First and adopt a constructive housing model like that proposed in the Central Florida study. Volusia County and its cities should also repeal existing criminalization ordinances and reject expansions on them in favor of models like Philadelphia's. If the Law Center can be of any assistance in this process, please do not hesitate to contact us. I can be reached at 202-638-2535 x. 120, or etars@nlchp.org.

Sincerely,



Eric S. Tars
Senior Attorney

¹⁰ HOUSING NOT HANDCUFFS, *supra* note 1, 37 (2016).

¹¹ *Id.*, at 38..

¹² Gregory Shinn, *The Cost of Long-Term Homelessness in Central Florida: The Current Crisis and the Economic Impact of Providing Sustainable Housing Solutions* 8, Rethink Homelessness (2014) <https://shnny.org/uploads/Florida-Homelessness-Report-2014.pdf>.

¹³ *Id.*, at 33-34.

¹⁴ Human Rights Committee, *Concluding observations on the fourth report of the United States of America*, ¶ 19, U.N. Doc. CCPR/C/USA/CO/4 (2014); Committee on the Elimination of Racial Discrimination, *Concluding Observations*, ¶ 12 CERD/C/USA/CO/7-9 (2014).