

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

Violations of the Human Rights of Persons Experiencing Homelessness in the United States

A Report to the
Special Rapporteur on Extreme Poverty &
Human Rights

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I. Issue Summary

1. This report outlines the violations of the human rights of persons experiencing homelessness—essentially the most extreme form of poverty—in the United States of America. The more than 3.5 million people who experience homelessness in the United States annually face violations to the full range of their civil, political, economic, social, and cultural rights, but especially the rights to housing and freedom from non-discrimination and cruel, inhuman, and degrading treatment.¹ Despite severe lack of adequate housing or even emergency shelter, people experiencing homelessness frequently face criminal charges for undertaking basic, life-sustaining behaviors such as sleeping, resting, attempting to shelter themselves, or asking for donations; moreover “sweeps” of homeless encampments frequently result in the seizure and destruction of homeless persons’ property.² Because homelessness falls disproportionately on communities of color, LGBTQ individuals (particularly youth), persons with disabilities, and women and families fleeing domestic violence, these violations frequently intersect with other forms of discrimination, and result in further marginalization of these homeless individuals.³ Persons experiencing homelessness also experience unique human rights violations before, during, and after natural disasters. We call on the Special Rapporteur on Extreme Poverty and Human Rights to condemn the systemic neglect of the housing and other needs of America’s poorest citizens and to call for immediate steps implement the right to housing and to take additional steps to end the criminalization of homelessness.

II. Lack of Adequate, Affordable Housing Causes Homelessness

2. In 2017, the United States continued to face a crisis of homelessness, brought on by a severe shortage of affordable housing. The Department of Housing & Urban Development’s budget for affordable housing has been cut by 56% since 1978, leading to the situation today where only 1 in 4 households that are income eligible for federal housing assistance actually receive it.⁴ This gap was never made up for at the state or local level, and the failure to either adequately raise minimum wages and social security benefits, publicly fund affordable housing, or create proper incentives for private development of affordable housing means the number of cost-burdened households (paying more than 30 percent of income for housing) was 38.9 million in 2015, and the number with severe burdens (more than 50 percent of income for housing) was 11.1 million in 2015, an increase of more than 2 million since before the recession in 2007.⁵ A renter earning the federal minimum wage of \$7.25 per hour would need to work 90 hours per week to afford a one-bedroom apartment,⁶ and the national average monthly rent for of a one-bedroom apartment is more than the entire monthly benefit of an individual relying on Supplemental Security Income (SSI).⁷ The number of people who have lost their homes and are living doubled up with family or friends due to economic necessity stood at 7 million people in 2014, 52% higher than before the recession in 2007.⁸ More than 1.3 million school children were homeless during the 2015-2016 school year— almost double since the beginning of the economic crisis in 2007.⁹

3. The U.S. also fails to guarantee the legal security of tenure for many renters. In a few cities and states, landlords are limited to evictions for “just cause” (nonpayment of rent or other breach of the lease), but in many, renters can be evicted for no cause whatsoever.¹⁰ Rental properties constitute 20% of all foreclosures, and of families facing eviction due to foreclosure,

approximately 40% are renters.¹¹ The landmark federal Protecting Tenants at Foreclosure Act (PTFA), provided some crucial protections for renters in foreclosure until 2014, but the law expired, and bills to make it permanent have yet to pass.¹² Even where legal protections exist, 90% of foreclosure and eviction defendants are unrepresented, while landlords and mortgage holders are represented 90% of the time.¹³ Lack of access to counsel leads to insecure tenure and wrongful foreclosures and evictions for many low-income homeowners and tenants in the U.S.,¹⁴ which in turn can lead to homelessness, increased health concerns, job loss, loss of child custody, encounters with the criminal justice system, and destabilized educational opportunities for children.¹⁵

4. President Trump's budget proposes a further 13% cut to HUD's budget with no clear plan for how the government will otherwise ensure America's poorest renters will have access to affordable, adequate housing, and completely eliminating the Legal Services Corporation which provides legal services to poor Americans in eviction and other matters.¹⁶

III. Homelessness has a Disparate, Intersectional Effect on Vulnerable Racial, Gender, and Disabled Populations

5. African-Americans make up an estimated 45% of the homeless population despite only being 12% of the national population.¹⁷ LGBTQ youth are 40% of the homeless youth population (only 7% of general youth),¹⁸ and persons with disabilities are 40% of those who are homeless (16% of general population).¹⁹ Each of these populations frequently face multiple forms of discrimination by public and private actors; once on the street and forced to live their lives in public, this marginalization and discrimination becomes amplified, particularly in connection with discrimination by law enforcement (see *Criminalization*, *infra*, Sec. IV). Most recently, the U.S. hosted an official mission visit from the U.N. Working Group on People of African Descent which critiqued ongoing racial segregation and racial disparities in housing and homelessness²⁰ and made recommendations to reform police conduct and uphold the right to adequate housing.²¹

IV. Criminalization of homelessness

6. Many communities have responded to the growth of homelessness not with more housing, but by increasing enforcement of laws criminalizing homelessness. A November 2016 Law Center report, *Housing Not Handcuffs*, surveyed 187 cities across the country and documented a 69% increase in city-wide bans on camping, 52% increase in city-wide bans on sitting or lying down, and a 143% increase in bans on sleeping in vehicles over the past ten years.²² These policies are tremendously expensive for communities, but result in further entrenching homelessness because the time and cost of interacting with the criminal justice system set people further back from having the resources to escape homelessness, and criminal records make it even harder for people experiencing homelessness to find jobs or housing.²³
7. The federal government has taken some positive steps to combat criminalization of

homelessness in recent years, including:

- Since 2015, the U.S. Department of Housing and Urban Development (HUD) has awarded points on its funding application for communities that explain “how they are reducing criminalization of homelessness,” and providing new guidance on specific suggested strategies.²⁴
 - In August 2015, the U.S. Department of Justice (DOJ) filed a brief in *Bell v. Boise*, supporting the argument that criminally punishing homeless persons for their lack of housing where no alternative housing exists violates the Eighth Amendment protection against cruel and unusual punishment, a position since adopted by several other courts.²⁵
 - Federal courts have similarly followed the 7th Circuit precedent in *Norton v. Springfield*, by ruling that anti-panhandling ordinances violate the First Amendment protection of freedom of speech.²⁶
8. Numerous U.N. Special Rapporteurs²⁷ (including the previous Rapporteur on Extreme Poverty and Human Rights), treaty bodies²⁸, and the Human Rights Council²⁹ have denounced the criminalization of homelessness as cruel, inhuman and degrading treatment in violation of the United States’ treaty obligations.³⁰ In 2015, the U.S. supported a recommendation from the Human Rights Council’s second Universal Periodic Review to “Amend laws that criminalize homelessness and which are not in conformity with international human rights instruments,”³¹ and the United States Interagency Council on Homelessness cautioned in its 2012 report that “criminalization measures may also violate international human rights law, specifically the Convention Against Torture and the International Covenant on Civil and Political Rights.”³²

Despite these steps, criminalization continues to increase at the local level, which is particularly harmful, as every dollar spent on a law enforcement approach to homelessness is one less dollar available for constructive approaches that would ensure the right to housing and other human rights. Indeed, recent reports show taking a “Housing First” approach actually saves communities significantly over continued criminalization and neglect.³³

V. Sweeps of Homeless Encampments

9. Because the numbers of homeless persons far exceed the numbers of shelter beds in most communities, homeless encampments can be found in every state in the country, and appear to be on the rise.³⁴ Some communities have begun to address encampments constructively, through outreach and ensuring every person has an adequate, appropriate place to go.³⁵ Many more, however, view the encampments as nuisances to be simply swept out of existence, forcibly evicting their residents,³⁶ resulting in “the often arbitrary seizure and frequent destruction of homeless people’s personal property”³⁷ The loss of medicine, shelter, and clothing can have profound ramifications for a homeless individual’s health.³⁸ More than 100 encampments were been evicted between 2008 and 2012,³⁹ and more continue to be evicted every day.⁴⁰ These evictions occur year round, regardless of weather, often destroying the only shelter homeless people have from freezing cold or scorching heat.⁴¹ In January 2016, for example, the Charleston, WV mayor evicted a long-term encampment in 11 degree Fahrenheit (-11 degrees Celsius) weather, with no warning and no plan for where to house the residents.⁴²

VI. Natural Disasters have Disparate Effects on Homeless Persons

10. Homeless persons experience discrimination, stigmatization, and segregation before, during, and after natural disasters.
11. Before Disasters: Many communities do not incorporate those who have experienced homelessness into their disaster planning efforts, resulting in ad hoc, discriminatory, and potentially dangerous approaches in the lead up to natural disasters. Reports from Miami, Gainesville, and other Florida communities detail homeless persons being subject to the Florida Baker Act, which allows for involuntary commitment of individuals with mental health problems, in the lead up to Hurricane Irma.⁴³ If adequate planning were in place to ensure the safety of homeless individuals and their property, it would not be necessary to take such extreme measures.
12. During Disasters: Ironically, while some who do not seek shelter are forced into it against their will, some homeless persons who do seek shelter are faced with barriers and discrimination. In 2017, Polk County (FL) Sheriff Grady Judd forced shelter-seekers to provide ID and undergo criminal background checks before accessing shelter.⁴⁴ People experiencing homelessness may not have ready access to an ID, or may have been subject to criminalization for simply trying to survive on the streets, and therefore have unpaid fines or fees that result in bench warrants. Other communities, such as Daytona Beach and Volusia County, reportedly denied homeless residents access to public emergency shelters and sent them to segregated facilities.⁴⁵ Volusia County reportedly put homeless persons in an un-air-conditioned livestock building at the fairgrounds with scant food, while regularly housed residents were in air-conditioned schools and municipal buildings and stated they “feasted.” Other reports indicate homeless persons were segregated within facilities, forced to wear yellow bracelets, and other shelter residents were told to stay away as they were “bad” and “dirty.”⁴⁶ New Smyrna Beach’s City Manager reportedly insulted homeless persons at the door and refused them access.⁴⁷ Human beings need shelter from natural disasters—this is not the time to be threatening someone with jail or discriminating against them as they seek refuge
13. After Disasters: Reports from Houston in 2017 indicate homeless persons are being kicked out of emergency shelters before housed residents, even though they similarly lost all they had and have nowhere to go back to. Those who are attempting to apply for FEMA housing resources are apparently being de-prioritized or denied access.⁴⁸ Homeless persons going back to the streets face criminalization for simply trying to shelter themselves, as Houston recently passed a law criminalizing camping in public spaces, despite the overwhelming lack of shelter, only made worse by the storm.⁴⁹ Even where homeless persons are being given housing assistance, landlords frequently discriminate against them, based on their homeless status, the fact they are paying with a voucher, the minor criminal records homeless persons frequently generate while trying to survive on the streets, or on the eviction history (including evictions from uninhabitable apartments post-disaster) they developed before falling into homelessness.⁵⁰ Families with children displaced by disasters need to be able to get their children back to stable school environments, but federal dollars to help provide transportation back to their school of

origin are already inadequate to meet the needs of pre-existing homeless families, let alone a huge newly homeless population after the storm.⁵¹

VII. Suggested Questions for the Rapporteur to Ask Federal, State, and Local Government

14. As the Rapporteur conducts his review, we respectfully suggest the following questions and concerns be raised during the meetings with federal, state, and local government officials:
 - a. Will the government recognize housing as a human right, and what steps will it take to implement it?
 - b. What more will the federal government do to end criminalization by local governments and stop the forced eviction of homeless encampments without alternatives? What will state and local governments do to ensure their resources are dedicated to constructive solutions to homelessness rather than criminalization?
 - c. How will government at all levels affirmatively address the disparate racial, gender, and disability impacts of the lack of adequate, affordable housing and homelessness?
 - d. How will government at all levels address the needs of, and prevent discrimination against, homeless persons before, during, and after natural disasters?

15. We suggest the Rapporteur request visits to Houston, TX, Los Angeles and/or Sacramento, CA, and Philadelphia, PA as potential sites to witness worst case housing needs, criminalization of homelessness, impacts of a natural disaster, and some positive practices.

VIII. Suggested Conclusions and Recommendations

16. The Rapporteur notes with concern:
 - A. The dire lack of affordable housing in the United States;
 - B. The lack of legal protections for renters, leading to unfair evictions;
 - C. The routine and disproportionate criminalization of homeless persons for performing essential human functions and behaviors they have no choice but to perform in public due to lack of available housing or shelter space, violating the right to freedom from cruel, inhuman, and degrading treatment among other rights;
 - D. The routine eviction of homeless encampments, often under threat of arrest, without the provision of adequate alternatives for their residents, often destroying homeless persons' belongings and putting them in physical danger;
 - E. The disparate effects of all of the above felt by racial, gender, and disabled minorities, requiring special measures to remediate.
 - F. The discrimination faced by homeless persons before, during, and after natural disasters.

17. Congress and the Administration must take affirmative steps to improve Americans' enjoyment of their fundamental right to affordable, safe, appropriate housing, through a combination of new construction of subsidized units, universal vouchers, funding the National Housing Trust Fund at a minimum of \$1 billion per year, and increasing the minimum wage

and Supplemental Security Income benefits, so that all working and disabled people can afford adequate housing as well as meet other basic needs while paying no more than 30 percent of their income for housing.

18. Congress, state, and local governments should pass protections for renters including just-cause eviction laws and the Permanently Protecting Tenants at Foreclosure Act, including a private right of action, and vest authority in the Consumer Protection Financial Bureau to regulate and enforce compliance.
19. Congress, state, and local governments should ensure a right to counsel in all cases involving the potential loss of housing or inadequate housing conditions, and significantly expand funding for legal aid services to facilitate the implementation of this right.
20. HUD, DOJ and other agencies should take concrete steps to stop local criminalization efforts by providing further incentives for decriminalization and aggressively pursuing enforcement action against communities that engage in criminalization. States should enact Homeless Bills of Rights to prevent localities from punishing life sustaining behavior. Local governments should stop enforcing laws that criminalize homelessness in the absence of shelter or housing, and provide adequate notice and adequate alternative housing before evicting homeless persons living in encampments.
21. Congress must enact legislation To help prevent discrimination against persons experiencing homelessness before, during, and after natural disasters, including:
 - A. Ensuring that individuals experiencing homelessness prior to the disaster have access to the same immediate and long-term disaster relief assistance as those who were housed prior to the disaster.
 - B. Providing sufficient housing recovery funds and cost-effective measures to ensure that all households, including homeowners, renters, and those who were experiencing homelessness before the disaster, receive the affordable housing assistance they need for as long as they need it.
 - C. Fully funding social services, transportation, and education to address the full scope of needs for displaced individuals and individuals experiencing homelessness, including resources to help homeless students attend school;
 - D. Barring any community that accepts federal disaster relief and recovery funds from passing or enforcing laws which criminalize people experiencing homelessness for self-sheltering or conducting other life-sustaining behaviors in public places when there are inadequate alternatives; and
 - E. Barring all landlords who receive disaster recovery assistance from discriminating against displaced individuals based on housing status, relevant eviction or criminal history, and source of income-including rental housing assistance;
 - F. Requiring states to demonstrate to HUD that they are adequately addressing the needs of homeowners, renters, and people experiencing homelessness with their CDBG allocation and other resources as a condition for receiving funds.

¹ NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY, GRADING THE U.S. RESPONSE TO HOMELESSNESS: THE 2016 HUMAN RIGHT TO HOUSING REPORT CARD (2016),

https://www.nlchp.org/documents/Right_to_Housing_Report_Card_2016.

² National Law Center on Homelessness & Poverty & Yale University Law School Allard K. Lowenstein Human Rights Clinic, WELCOME HOME: THE RISE OF TENT CITIES IN THE UNITED STATES (2013) (hereinafter “WELCOME HOME”), http://nlchp.org/documents/WelcomeHome_TentCities.

³ See U.N. Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America*, ¶ 50-53, 72, 76, 83 A/HRC/33/61/Add.2 (2016), (hereinafter UN WGPAD Report) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/183/30/PDF/G1618330.pdf?OpenElement>; see generally, National Law Center on Homelessness and Poverty, *Racial Discrimination in Housing and Homelessness in the United States* (2014), available at http://www.nlchp.org/documents/CERD_Housing_Report_2014; NATIONAL COALITION FOR THE HOMELESS, WHO IS HOMELESS? (2009), <http://www.nationalhomeless.org/factsheets/who.html>. (based on a 2006 survey of 24 cities); NATIONAL COALITION OF ANTI-VIOLENCE PROGRAMS, HATE VIOLENCE AGAINST LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND HIV-AFFECTED COMMUNITIES IN THE UNITED STATES IN 2011 (2011), http://www.avp.org/storage/documents/Reports/2012_NCAVP_2011_HV_Report.pdf; Rudy Estrada & Jody Marksamer, *Lesbian, Gay, Bisexual, and Transgender Young People in State Custody: Making the Child Welfare and Juvenile Justice Systems Safe for All Youth through Litigation, Advocacy, and Education*, 79 TEMP. L. REV. 415 (2006), http://www.nclrights.org/wp-content/uploads/2013/07/youth_in_state_custody_article.pdf.

⁴ See GRADING THE U.S. RESPONSE TO HOMELESSNESS, *supra* note 1, at 22; National Low Income Housing Coalition, OUT OF REACH 2017 (2017), <http://nlihc.org/oor>.

⁵ See Joint Center for Housing Studies of Harvard University, THE STATE OF THE NATION’S HOUSING 4 (2016), http://www.jchs.harvard.edu/sites/jchs.harvard.edu/files/jchs_2016_state_of_the_nations_housing_lowres.pdf.

⁶ OUT OF REACH 2017.

⁷ *Id.*, at 2.

⁸ THE STATE OF HOMELESSNESS IN AMERICA 2016, *supra* note 5, at 3.

⁹ See *id.*

¹⁰ See Community Alliance of Tenants, *Campaigns: What is Just Cause Eviction?* <http://oregoncat.org/what-we-do/campaigns/>. (“Only a few states, such as [New Jersey](#) and New Hampshire, have Just Cause eviction statutes. Many cities also have Just Cause eviction statutes such as in *California*: [San Francisco](#)-([In SF just cause only applies to rental housing built or substantially remodeled before 1979](#)), [Oakland](#), [Berkeley](#), [Glendale](#), [Hayward](#), [Los Angeles](#), [Santa Monica](#), [West Hollywood](#), [Beverly Hills](#), [San Diego](#), [Palm Springs](#)...*Other Cities*: [Seattle](#), and [Chicago](#). Most rent controlled cities also require Just Cause evictions..”

¹¹ National Law Center on Homelessness and Poverty, EVICTION (WITHOUT) NOTICE: RENTERS AND THE FORECLOSURE CRISIS 6 (2012) (*citing* National Low Income Housing Coalition, RENTERS IN FORECLOSURE: A FRESH LOOK AT AN ONGOING PROBLEM (September 2012)), http://www.nlchp.org/Eviction_Without_Notice).

¹² S. 730, 114th Cong. (2015-2016), and H.R. 1354, 114th Cong. (2015-2016),

¹³ See Melanca Clark & Maggie Barron, *Foreclosures: A Crisis in Legal Representation* 12, 14, Brennan Ctr. for Justice (2009), <https://www.brennancenter.org/sites/default/files/legacy/Justice/Foreclosure%20Report/ForeclosuresReport.pdf> (examining data from various states which suggests that large numbers of homeowners are unrepresented in foreclosures); Russell Engler, *And Justice for All—Including the Unrepresented Poor: Revisiting the Roles of Judges, Mediators, and Clerks*, 67 Fordham L. Rev. 1987, 2063–64 n. 339 (1999) (10% of tenants sued for eviction in New York City are represented by counsel, while 75–90% of landlords are represented); Dist. Of Columbia Access to Justice Comm’n, *Justice for All? An Examination of the Civil Legal Needs of the District of Columbia’s Low-Income Community* 76 (2008) (finding 3% of tenants represented by legal counsel in eviction cases before the court).

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- ¹⁴ Risa E. Kaufman, Martha F. Davis & Heidi M. Wegleitner, *The Interdependence of Rights: Protecting the Human Right to Housing by Promoting the Right to Counsel*, 45 Col. HRLR 772 (2014).
- ¹⁵ Andrew Scherer, *Gideon's Shelter: The Need to Recognize a Right to Counsel for Indigent Defendants in Eviction Proceedings*, 23 Harvard C.R.-C.L. L. Rev. 557 (1988).
- ¹⁶ Jose A. DelReal, *Trump budget asks for \$6 billion in HUD cuts, drops development grants*, Washington Post (Mar. 16, 2017), https://www.washingtonpost.com/politics/trump-budget-asks-for-6-billion-in-hud-cuts-drops-development-grants/2017/03/15/1b157338-09a0-11e7-b77c-0047d15a24e0_story.html?utm_term=.72011e04bd36; Debra Cassens Weiss, *Trump budget eliminates Legal Services Corp. funding*, ABA Journal (Mar. 16, 2017), http://www.abajournal.com/news/article/trump_budget_elimimates_funding_for_legal_services_corp/.
- ¹⁷ U.S. INTERAGENCY COUNCIL ON THE HOMELESS, *HOMELESSNESS: PROGRAMS AND THE PEOPLE THEY SERVE, FINDINGS OF THE NATIONAL SURVEY OF HOMELESS ASSISTANCE PROVIDERS AND CLIENTS* (1999).
- ¹⁸ True Colors Fund, *Our Issue*, <https://truecolorsfund.org/our-issue/>.
- ¹⁹ National Health Care for the Homeless Council, *Disability, Employment & Homelessness* (2011), www.nhchc.org/wp-content/uploads/2011/09/disability2011-final.pdf.
- ²⁰ See U.N. Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America*, ¶ 50-53, 72, 76, 83 A/HRC/33/61/Add.2 (2016), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/183/30/PDF/G1618330.pdf?OpenElement>.
- ²¹ See *id.*, at ¶98-100, 108, 109, 120.
- ²² National Law Center on Homelessness and Poverty, *HOUSING NOT HANDCUFFS: THE CRIMINALIZATION OF HOMELESSNESS IN U.S. CITIES* 10-11 (2016), <https://www.nlchp.org/documents/Housing-Not-Handcuffs>.
- ²³ *Id.*
- ²⁴ U.S. Dept. of Housing & Urban Development, *NOTICE OF FUNDING AVAILABILITY FOR THE 2016 CONTINUUM OF CARE PROGRAM COMPETITION*, 35 (2016), <https://www.hudexchange.info/resources/documents/FY-2016-CoC-Program-NOFA.pdf>; (hereinafter “HUD NOFA”). National Law Center on Homelessness & Poverty, *The Cost of Criminalizing Homelessness Just Went Up By \$1.9 Billion* (2015), http://www.nlchp.org/press_releases/2015.09.18_HUD_NOFA_criminalization.
- ²⁵ See *Bell v. Boise, et. al.*, 1:09-cv-540-REB, Statement of Interest of the United States (Aug. 6, 2015); Dept. of Justice, Office of Public Affairs, *Justice Department Files Brief to Address the Criminalization of Homelessness* (Aug. 6, 2015), <http://www.justice.gov/opa/pr/justice-department-files-brief-address-criminalization-homelessness>. See also *Cobine et. al. v. Eureka*, No. C 16—2239 JSW (N.Dist. Ca. May 6, 2106); *Smith v. City of Corvallis*, No. 6:14-cv-01382-MC, 2016 U.S. Dist. LEXIS 73205, at *1-2 (D. Or. June 6, 2016); *City of Everett v. Bluhm, et. al.* Case No. CRP 700-, 7005, 7006, 11297, (Everett Mun. Ct., Jan. 12, 2016) (on file with author); *City of North Bend v. Brashaw*, No. Y123426A (Issaquah Mun. Ct., Jan. 13, 2016).
- ²⁶ See *Norton v. City of Springfield*, 612 F. App’x. 386, (7th Cir. 2015); *Thayer v. City of Worcester*, No. 13-40057-TSH, (D. Mass. Nov. 9, 2015); *McLaughlin v. City of Lowell*, No. 1:14-cv-10270, 2015 U.S. Dist. LEXIS 144336 at ## (D. Mass. Oct. 23, 2015); *Browne v. City of Grand Junction*, No. 14-cv-00809-CMA-KLM (D. Co Sept. 30, 2015).
- ²⁷ See Maina Kiai, Statement by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association at the conclusion of his visit to the United States of America (July 27, 2016), <http://freeassembly.net/news/usa-statement/>; UN Human Rights Council, *Report of the Special Rapporteur on the human right to safe drinking water and sanitation*, ¶9 A/HRC/33/49 (2016), <http://bit.ly/2drD7GJ> (citing to references in a report highlighting criminalization practices in the United States); U.N. Human Rights Council, *Report of the Working Group of Experts on People of African Descent on its mission to the United States of America*, ¶ 50-53, 72, 76, 83 A/HRC/33/61/Add.2 (2016), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/183/30/PDF/G1618330.pdf?OpenElement>, at ¶ 95; Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Leilani Farha, para. 91, A/HRC/31/54, Dec. 30, 2015 (stating “...(e) Any and all laws or measures that criminalize, impose fines on or restrict homeless people or behaviour associated with being homeless, such as sleeping or eating in public spaces, must be immediately repealed; U.N. Human Rights Council, *Final Draft of the Guiding Principles on Extreme Poverty and Human Rights, Submitted by the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona*, ¶¶ 65, 66(c), U.N. Doc. A/HRC/21/39 (July 18, 2012); U.N. Human Rights Council, *Report of the*

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- Special Rapporteur on Extreme Poverty and Human Rights*, ¶¶ 48-50, 78(c), U.N. Doc. A/67/278 (Aug. 9, 2012) (detailing the “excessive and arbitrary use of detention and incarceration” against those in poverty and those experiencing homelessness); U.N. Human Rights Council, *Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque: Stigma and the realization of the human rights to water and sanitation*, ¶¶ 36, 42, U.N. Doc. A/HRC/21/42 (July 2, 2012) ; U.N. Human Rights Council, *Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Doudou Diène, Mission to the United States of America*, ¶ 64, U.N. Doc. A/HRC/11/36/Add.3 (Apr. 28, 2009) (decrying “the enforcement of minor law enforcement violations” against the homeless population).
- ²⁸ U.N. Human Rights Committee, *Concluding observations on the fourth report of the United States of America*, ¶ 19, U.N. Doc. CCPR/C/USA/CO/4 (Apr. 23, 2014) [hereinafter HRC, *Concluding observations*]; Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined seventh to ninth periodic reports of United States of America*, ¶ 12, CERD/C/USA/CO/7-9 (Aug. 29, 2014).
- ²⁹ Human Rights Council, *Draft report of the Working Group on the Universal Periodic Review, United States of America*, 30, A/HRC/WG.6/22/L.10 (May 21, 2015) (recommendation 176.310: “[a]mend laws that criminalize homelessness and which are not in conformity with international human rights instruments”).
- ³⁰ See, e.g., HRC, *Concluding observations*, *supra* note 38, at ¶ 19; U.N. Human Rights Council, Report of the U.N. Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona, ¶ 36, U.N. Doc. A/66/265 (Aug. 4, 2011); UNHRC, *Report on Stigma*, *supra* note 37, at ¶ 36; Special Rapporteurs on the Rights to Adequate Housing, Water and Sanitation, and Extreme Poverty and Human Rights, *USA: “Moving Away from the Criminalization of Homelessness, A Step in the Right Direction”* (Apr. 23, 2012), <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12079&LangID=E>;
- ³¹ Report of the Working Group on the Universal Periodic Review, United States of America, A/HRC/30/12, ¶ 176.310 (July 20, 2015).
- ³² USICH, *SEARCHING OUT SOLUTIONS*, *supra* note 34, at 8.
- ³³ See *HOUSING NOT HANDCUFFS*, *supra* note 22, at 13-14.
- ³⁴ *WELCOME HOME*, *supra*, note 2 (documenting media reports of tent cities in 46 states across the country, and we have since documented reports in all other states).
- ³⁵ INDIANAPOLIS, IN., CODE Title I, Sec. 231-501 et. seq. (2016); see also, National League of Cities, *Indianapolis Ordinance on Homeless Encampments*, (Apr. 2016), <http://www.nlc.org/find-city-solutions/city-solutions-and-applied-research/city-practice-database/indianapolis-ordinance-on-homeless-encampments>.
- ³⁶ *WELCOME HOME*, *supra* note 2, 19-20. 62% of respondents answered that their city engaged in cleaning sweeps (only 14% answered no; the remaining 24% did not know). Of those who answered in the affirmative, 42% stated that their cities did not provide notification before engaging in the sweeps (23% did not know, only 35% said yes), while 37% said their city did not retain the belongings seized so that owners could claim them afterwards (46% did not know, while only 17% said yes).
- ³⁷ Kevin Bundy, “Officer, Where’s My Stuff?” *the Constitutional Implications of A De Facto Property Disability for Homeless People*, 1 HASTINGS RACE & POVERTY L. J. 57, 59 (2003).
- ³⁸ The loss of medicine can obviously lead to untreated conditions, while the loss of clothing may increase exposure to harsh weather. In the resulting lawsuit, the court issued an injunction preventing Fresno from continuing the sweeps, stating that, “[t]he City’s destruction of the property of the homeless, including shelter, blankets, clothes, food and medication, makes it more difficult for the homeless to survive.” *Kincaid v. City of Fresno*, 106CV-1445 OWW SMS, 2006 WL 3542732 (E.D. Cal. Dec. 8, 2006).
- ³⁹ *Id.*, at 3.
- ⁴⁰ See, e.g. John Gillie, *Pierce County tells homeless to vacate riverbank encampments*, *The News Tribune* (June 29, 2016), <http://www.thenewstribune.com/news/local/article86711282.html>.
- ⁴¹ See, e.g. *Homeless Forced Out of Tents and into Snowstorm by Denver Police*, Dec. 16, 2015, <http://www.unicornriot.ninja/?p=3166>.

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- ⁴² Carrie Hodousek, *Residents Lash Out at Charleston Mayor for Dismantle of Tent City*, Metro News, (Jan. 20, 2016), <http://wvmetronews.com/2016/01/20/residents-lash-out-at-charleston-mayor-for-dismantle-of-tent-city/>.
- ⁴³ See, e.g. David M. Perry, *No, We Should Not Involuntarily Commit the Homeless During Hurricanes*, Pacific Standard (Sept. 15, 2017), <https://psmag.com/social-justice/we-should-not-involuntarily-commit-the-homeless-during-hurricanes>.
- ⁴⁴ Christal Hayes and Bianca Padró Ocasio, *Hurricane Irma: Florida sheriff threatens to arrest fugitives at shelters*, Orlando Sentinel, (Sept. 6, 2017), <http://www.orlandosentinel.com/weather/hurricane/os-hurricane-irma-florida-sheriff-jail-shelter-20170906-story.html>.
- ⁴⁵ Eileen Zaffiro-Kean, *Volusia, Flagler residents take refuge from Hurricane Irma in shelters*, Dayton Beach News Journal (Sept. 9, 2017), <http://www.news-journalonline.com/news/20170909/volusia-flagler-residents-take-refuge-from-hurricane-irma-in-shelters>.
- ⁴⁶ October 22 Alliance to End Homelessness, *Surrounding Hurricane Irma, Category 5 'Law and Order' and Other Unnatural Disasters Beset Florida's Poorest* (Sept. 20, 2017), <https://october22alliance.wordpress.com/2017/09/20/surrounding-hurricane-irma-category-5-law-and-order-and-other-unnatural-disasters-beset-floridas-poorest/>.
- ⁴⁷ Casmira Harrison, *After video, hundreds seek New Smyrna Beach manager's removal*, Orlando Sentinel-Times (Sept. 19, 2017), <http://www.news-journalonline.com/news/20170918/after-video-hundreds-seek-new-smyrna-beach-managers-removal>.
- ⁴⁸ Peter Henderson, *Storm pits Houston's homeless against newly displaced*, Reuters (Sept. 2, 2017), http://www.reuters.com/article/us-storm-harvey-homeless/storm-pits-houstons-homeless-against-newly-displaced-idUSKCN1BD0SP?utm_source=34553&utm_medium=partner.
- ⁴⁹ Andrew Kragie and Mike Morris, *Houston's panhandling, camping ordinances violate rights, lawsuit says*, (May 15, 2017), <http://www.chron.com/news/politics/houston/article/ACLU-lawsuit-homeless-houston-encampment-ordinance-11146575.php>.
- ⁵⁰ See, Bill Chappell, *Harvey Leaves Challenges In Texas, From Drinking Water To Rent Payments*, NPR (Sept. 1, 2017), <http://www.npr.org/sections/thetwo-way/2017/09/01/547817917/harvey-leaves-challenges-in-texas-from-drinking-water-to-paying-rent>.
- ⁵¹ See, Brian Melley and Sally Ho, *Feds, Texas offer choices for students homeless after Harvey*, Chicago Tribune (Sept. 10, 2017), <http://www.chicagotribune.com/news/nationworld/ct-houston-harvey-homeless-20170910-story.html>.