Combating Criminalization During COVID-19

Getting People Housed and Keeping People Housed
Agenda and Presenters

- Welcome
- Background on COVID-19 and homelessness
- Federal Guidance and Resources
- Tools to stop criminalization and get people housed
- Other resources
- Upcoming webinars
- Q&A

- Maria Foscarinis, Executive Director, NLCHP
- Eric Tars, Legal Director, NLCHP
- Tristia Bauman, Senior Attorney, NLCHP
- Adil Shaikh, Associate, Fish & Richardson
- Cari Jeffries, Associate, Sullivan & Cromwell
Webinar Housekeeping

Your Participation

- Please submit your text questions and comments using the Questions panel.
- Please raise your hand to be unmuted for verbal questions.

Note: Today’s presentation is being recorded and may be posted as a resource.

@nlchphomeless
Welcome

Maria Foscarinis
Executive Director

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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Background

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National Law Center on Homelessness & Poverty
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Background: Homelessness & COVID-19

- Unhoused people at increased risk
  - Chronic health conditions
  - 44% of people become unhoused after turning 50
  - Homelessness adds 10-20 years
- Key prevention measures unavailable
  - “Stay At Home?”
  - Handwashing and hygiene measures
- Homeless individuals infected by COVID-19
  - 2X to be hospitalized
  - 2-4X to require critical care,
  - 2-3X as likely to die than the general population.
Camping & Sleeping

- “Camping” bans
  - Sleeping or resting outside
  - Using tents, blankets, etc.
- 72% of surveyed cities restrict camping in public
  - 37% of cities ban camping citywide
  - 9% = public and private land
- “Sleeping” bans
  - Universal and unavoidable conduct
- 51% of surveyed cities have at least one law restricting sleeping in public
  - 21% of cities ban sleeping in public citywide
- Punishments
  - Arrest and jail
  - Tickets
  - Property loss

72% of cities prohibit camping outside.
Living in Vehicles

- Living in vehicles
  - Prohibits using vehicle as form of shelter and/or property storage
  - Parking restrictions
- 50% of cities have one or more laws restricting living in vehicles
  - 213% increase since 2006
- Punishment
  - Arrest and jail
  - Tickets
  - Drivers’ license suspensions, inability to register vehicle
  - Vehicle tows and impound
    - Permanent loss of property
    - Increases likelihood of using tent within 1 year of tow
Racial Equity
Racial Equity: Economic Inequities

Source: NLCHC tabulations of 2017 ACS PUMS data. NLCHC's The Gap: A Shortage of Affordable Homes

Jobs vulnerable to layoffs during the Covid-19 pandemic in the US by industry

Source: US Private Sector Job Quality Index
Racial Equity: Health Inequities

• Health status: Black, Hispanic or Latinx, and American Indian and Alaska Native people are more likely to report poorer health than white individuals

• Living situation: Many immigrants, indigenous families, and other low-income families of color live in doubled-up situations

• Work: Many people of color and immigrants are working in frontline, essential jobs
  • Health care, home care, grocery stores, food delivery, and agriculture
  • Less access to sick leave

• Access to health care:
  • Communities of color have higher uninsured rates
  • Fear and distrust can affect decision to seek care
Housing is a Human Right

COVID-19 Guidance Notes

Prohibition of Evictions

In order to prevent the spread of COVID-19, States across the world are ordering millions of people to "stay home". And yet, at the same time, many households and communities continue to be threatened with eviction.

Protecting Renters and Mortgage Payers

For a great number of households across the world, the pandemic has meant job loss, reduced work hours, unpaid sick leave, or an inability to undertake informal sector work due to lockdowns. Both renters and homeowners, many of whom live month to month, are now experiencing unprecedented levels of anxiety and stress, and many are unable to pay their rent or mortgage and utility bills.

Protecting those living in Homelessness

States must address the housing needs of homeless people on an urgent and priority basis to ensure their equal protection against the virus and the protection of the broader population.

Protecting Residents of Informal Settlements

It is imperative that States recognize that those living in informal settlements/encampments are particularly

http://www.unhousingrapp.org/press-room
Federal Guidance and Resources

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Legal Director

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• Unless individual housing units are available, do not clear encampments during community spread of COVID-19.
• Encourage spacing of tents.
• Ensure nearby restroom facilities have functional water taps, are stocked with hand hygiene materials (soap, drying materials) and bath tissue, and remain open to people experiencing homelessness 24 hours per day.
• If toilets or handwashing facilities are not available nearby, provide access to portable latrines with handwashing facilities for encampments of more than 10 people.

• Shelters should not close or exclude people who are having symptoms or test positive for COVID-19 without a plan for where these clients can safely access services and stay.
• Depending on resources and staff availability, non-group housing options (such as hotels/motels) that have individual rooms should be considered for the overflow, quarantine, and protective housing sites.
• In addition, plan for how to connect clients to housing opportunities after they have completed their stay in these temporary sites.

**NON-CONGREGATE APPROACHES TO SHELTERING FOR COVID-19 HOMELESS RESPONSE**

Continuums of Care considering non-congregate approaches to sheltering people who are homeless that are symptomatic or in high risk categories, such as seniors or people with chronic illness, should consider the following guidance when designing local approaches. Coordination with public health partners is essential in design, resource investment and staffing considerations.

**Target Population**
- Individuals who are symptomatic after screening or have been implemented
- Individuals who are high risk with or without symptoms
- Individuals who are confirmed to be COVID-19 positive who do not need to be hospitalized

**Set-up**
- Individual bedroom (walls on all sides and a door)
- Individual bathroom
- Personal cleaning supplies for an ill person’s room and bathroom

**Staffing**
- Onsite healthcare
- Transportation plan for closest hospital transport
- Staff shifts and crew configuration
- Cleaning schedules
- PPE available for staff
- Non-Congregate site management staff
- Case management staff
- Security

**Placement:** Comprehensive screening and triage in place to refer to site and prioritize placement

<table>
<thead>
<tr>
<th>Best Practice Approach</th>
<th>Better Approach: Individual Rooms/Sewer-Private Spaces</th>
<th>Good Approach: Shared Spaces</th>
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**Identifying dedicated staff to care for COVID-19 patients**
- Telehealth options
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1 Center for Disease Control: Coronavirus 2019 (COVID-19) Are you at higher risk for severe illness?  
CARES Act

• Funding
  • $4bil. ESG
  • $5bil. CDBG
  • $150 bil. Relief

• Restrictions
  • Most restrictions/caps waived
  • No procurement/bidding req’d
  • All COVID-related costs reimbursable
  • BUT no prereq’s
Tools to stop criminalization and get people housed

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Legal Director

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LGBTQ Youth: 4 Ways You Can Prepare to Safely Access Housing Services

1. **CREATE A SOLIDARITY PLAN** with a trusted friend, family member, or community advocate who you are comfortable telling that you’re planning to go to a shelter or attempt to access help with housing. This person should be prepared to help advocate that you receive services safely and with respect. Sometimes a teacher can be a good choice, however, be aware that teachers and many other professionals who work with people under the age of 18 are “mandatory reporters,” which means they’re obligated by law to report known or suspected incidents of child abuse and neglect. Mandatory reporting laws vary by state, but typically would also include other school personnel like principals and coaches, health care providers like doctors and nurses, social workers and other mental health professionals, and police. Whoever you make a solidarity plan with, be sure to discuss how you will stay in touch and when you’ll check-in.

2. **IF YOU AREN’T SURE WHERE TO GO, CALL THE NATIONAL RUNAWAY SAFELINE.** This confidential hotline and website is the national communication system for runaway and homeless youth and offers private and non-judgmental support. You can access this resource by calling 1-800-RUNAWAY or visiting 1800runaway.org.

3. **KNOW YOUR RIGHTS. PRINT THIS HANDOUT OR TEXT/EMAIL IT TO YOURSELF SO THAT YOU’LL HAVE THE INFORMATION YOU NEED TO SELF-ADVOCATE.** Consider sharing this with the person you create your solidarity plan with as well. As an LGBTQ youth experiencing homelessness, you are legally protected from mistreatment, harassment, and discrimination when receiving services funded by the federal government, and in many states, there are nondiscrimination laws protect LGBTQ youth as well.¹

4. **IF ANY OF THE RIGHTS OUTLINED IN THIS DOCUMENT ARE VIOLATED, BRING IT TO THE ATTENTION OF THE SERVICE PROVIDER.** Intentional or not, discrimination sometimes happens and is never okay. However, when discrimination occurs, it’s sometimes the result of a service provider not understanding the law or not having received the proper training on serving LGBTQ youth. Youth experiencing homelessness should never be put in the position of educating providers on how to best meet their needs, but sometimes this is the easiest and fastest way to resolve the issue. If you believe the discrimination may be unintentional, consider sharing this document with another staff member, or ask to speak to the program director. If this does not resolve the situation, or if you believe the discrimination was intentional, take the additional step of reporting the situation to someone else:
   - First, notify the person you’ve identified for your solidarity plan, so that they can help advocate for you.

¹ LGBTQ people are protected from discrimination in housing and public accommodations by state law in the following states and territories: CA, CO, CT, DC, DE, IA, IL, MA, MD, ME, MI, MN, NH, NM, NJ, NY, OR, PA, VT, and WA. See more: https://www.housinglaw.org/
NLCHP Recommendations

- Stop the sweeps
- Do not force people into congregate shelter
- House people in hotels, motels, trailers and/or RVs
- Increase access to hygiene and sanitation services
- Place a moratorium on vehicle ticketing, towing, and impoundment
- Immediately and safely decrease the number of people incarcerated for laws criminalizing homelessness
- Use surplus governmental property for safe camping, parking and access to supplies and services
- Prevent new homelessness by immediately halting ALL eviction and foreclosure proceedings
- Halt termination of utility services
- Ensure that outreach workers have resources and protective gear
Take action!

Rules for use:

1. You are free to use only with edits in highlighted boxes – any alterations to base text must be confirmed with NLCHP first, contact Rajan Bal at rbal@nlchp.org.
2. CC: Trista Bauman at tbauman@nlchp.org and Rajan Bal at rbal@nlchp.org on any emails or make sure both get a copy of any hard copy letter sent so we can track.
3. Let Rajan know if any response is received, if policy is changed, or, after a week or so, if no policy is changed. We will be developing an online self-reporting tracking sheet, at which point this process will change.

Date

City/County/State Official
Address (email or physical)

Dear [CITY/COUNTY/STATE OFFICIAL],

I write on behalf of [ORGANIZATION (“Abbreviation”) and the National Law Center on Homelessness & Poverty (“Law Center”) to inform you that recent guidelines released by the Centers for Disease Control and Prevention (“CDC”) state that homeless encampments should not be evicted during the COVID-19 pandemic unless the city can offer individual housing units to people experiencing homelessness, and to urge you to immediately stop [arresting unhoused people for resting and sheltering in public space/conducting sweeps of homeless encampments/impounding vehicle shelters/other local practice] to comply with these guidelines. See [link]. This step is necessary to curb the spread of the virus and to protect against avoidable hospitalization and death among both housed and unhoused people.

[Local org description]

The Law Center is the only national legal advocacy organization dedicated solely to ending and preventing homelessness. We have published numerous reports, including Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness [link], which includes a section about the negative impact of criminalization policies on public health, and Tent City, USA: The Growth of America’s Homeless Encampments, and How Communities are Responding collecting best practices, model policies, and case studies from across the country on how to constructively address homeless encampments. See [link].

According to the CDC, COVID-19 primarily spreads from person-to-person, between people within six feet of each other and droplets that are expelled when a person infected with COVID-19 coughs or sneezes. Recent reports indicate that homeless individuals infected by COVID-19 would be twice as likely to be hospitalized, two to four times as likely to require critical care, and two to three times as likely to die than the general population. See
Connecticut shelters rapidly moving people to hotels to prevent COVID-19 outbreaks; homeless individual tests positive in Hartford

At Newly Converted Motel, Governor Newsom Launches Project Roomkey: A First-in-the-Nation Initiative to Secure Hotel & Motel Rooms to Protect Homeless Individuals from COVID-19

Published: Apr 03, 2020

State is securing thousands of isolation rooms in hotels and motels for extremely vulnerable individuals experiencing homelessness to help flatten the curve & preserve hospital capacity

California is the first in the nation to secure FEMA approval for 75 percent federal cost-share for this life-saving mission & create a model for other states

National Alliance to End Homelessness: “Project Roomkey sets a strong example”

Chef José Andrés’s World Central Kitchen to provide meals to individuals experiencing homelessness living in some hotels

SACRAMENTO – Today, Governor Gavin Newsom announced that California has become the first state in the nation to secure FEMA approval to provide safe isolation capacity for tens of thousands of people experiencing homelessness in California in order to protect them and the state from COVID-19.

The state’s effort, Project Roomkey, has set an initial goal of securing up to 15,000 rooms for this purpose and county partners have moved 869 homeless individuals most vulnerable to COVID-19 off the street, out of shelters, and into isolation.

Today’s announcement means state and local governments will receive up to 75 percent cost-share reimbursement from FEMA for hotel and motel rooms, including wraparound supports such as meals, security, and custodial services. Essential behavioral health and health care services will also be provided by the local governments and community partners, as needed.
Tools

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Tools

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Upcoming webinars

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Next Steps and Q&A

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Poll

Will you use what you learned today in your advocacy on behalf of people experiencing homelessness during COVID-19 and beyond?
Housing Not Handcuffs Campaign

- Endorse
- [www.housingnothandcuffs.org](http://www.housingnothandcuffs.org)
  - Resources
    - Talking points
    - Sample legislation
  - Research
- Connect with allies
  - Housing Not Handcuffs listserv
Support the Work

**Housing is Public Health. Housing is a Right.**

This crisis presents tremendous challenges, but is bringing necessary attention to housing as healthcare.

Your support, no matter how large or small, protects and aids our most vulnerable neighbors.

[nlchp.org/donate](http://nlchp.org/donate)
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www.nlchp.org
www.housingnothandcuffs.org
@nlchphomeless
#HousingNotHandcuffs