

Laws Criminalizing Camping -- Talking Points

Local laws that make camping or sleeping in public places a crime have the effect of criminalizing homelessness. These talking points may be helpful when advocating against such ordinances. Note that there may be additional points applicable to the particular ordinance involved and the facts on the ground in your community are important to consider (for example, the actual availability of shelter or housing to all who need it). Please exercise your best judgment when choosing which points apply to your advocacy efforts.

Homelessness in Washington State

- Washington State saw the fastest rising home prices of any state in the country in 2016 and is now one of the five most expensive states for purchasing a home. The City of Seattle has the fastest increasing rent of any city nationwide and ranks eighth in cost of rent. This rapidly increasing cost of rent contributes to the State's rising homeless population.
- There is inadequate housing and shelter to meet the needs of unsheltered people in many cities in Washington. Some shelters are only accessible to certain individuals, like single men, single women, or families, and there is no guarantee a city's available shelter beds actually match the needs of its homeless population. In this environment, many individuals are left with nowhere to sleep but outdoors.
- For instance, a recent "One Night Count" conducted by the King County Coalition on Homelessness found that on January 29, 2016, 4505 people were without shelter in King County. This represents a 19 percent increase over the previous year's count.

Anti-Camping Ordinances Criminalize Homelessness

- Laws that make sleeping or camping outdoors illegal when inadequate alternatives for sleeping or shelter exist criminalize individuals for circumstances outside of their control. All humans must sleep somewhere, even if there is no shelter available to them. It is cruel to give people without housing no choice but to violate the law.
- Because they effectively criminalize the status of homelessness rather than conduct, laws that make it illegal to sleep or camp outside are often unconstitutional. Sleeping is a necessary, "life-sustaining activity," and when there is a lack of shelter space, anti-camping ordinances criminalize actions "indistinguishable from the status of homelessness." The United States Department of Justice has said that these laws violate the constitutional rights of homeless individuals when inadequate shelter space exists, and multiple courts in Washington State have agreed.

- Anti-camping ordinances are expensive and contribute to the problem of mass incarceration. For instance, Seattle University School of Law's Homeless Rights Advocacy Project found that in 2013 it cost King County \$131.53 dollars for every day an individual spent incarcerated; and a significant percentage of people in jails in Washington are there for offenses related to their homeless status, such as illegal camping. In addition to jail costs, there is also the cost for time police spend on each case, as well as the expenses associated with prosecutors, public defenders, and judicial officials dealing with crowded court dockets. This money is better spent on resources that truly address the causes of homelessness and provide a viable path to permanent housing.

Adequate Shelter Space

- The availability of shelter space is a major factor in deciding whether or not an anti-camping ordinance is unconstitutional. Cities may claim adequate shelter space exists, but even if there are technically enough beds in a given city, that does not make shelter space accessible to all homeless residents. A recent study by the Seattle University School of Law's Homeless Rights Advocacy Project highlights a number of barriers to accessing shelter space. For instance, many shelters have gender restrictions, which can pose limitations on the ability of gender non-conforming individuals to access shelter as well as many couples. Other restrictions include a lack of transportation options to reach distant shelters, sobriety requirements that bar access to individuals confronting addiction, exclusion of people with criminal records, and a lack of family shelters.
- Outside of these barriers, there are a number of common-sense factors that can prevent an individual from accepting shelter space. Some shelters are overcrowded and at times unsafe. Close sleeping quarters in overcrowded shelters can also increase the risk of spreading communicable diseases. Other shelters are operated by faith-based organizations, which may inhibit some individuals from choosing to accept shelter space.

Housing First:

- Without a guarantee of housing or consistent, stabilizing resources, the various forms of criminalizing homelessness (like anti-camping laws and sweeps) increase instability and stress for homeless people, fail to address the actual causes of homelessness, and burden the criminal justice system. Working to provide permanent housing for people who need it, rather than criminalizing their attempts to survive, is an approach known as "Housing First." It has been successful at reducing chronic homelessness in Houston and the state of Utah.
- Jurisdictions around the United States have saved money by switching to a Housing First model. For instance, the state of Utah reduced its annual spending on homeless services from \$17,000 per person to \$11,000 per person after transitioning to Housing First while reducing its chronically homeless population by 91 percent.

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