



Criminalization of homelessness: Breaking the cycle



Texas Homeless Network

September 11, 2024



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Introductions

About Homebase

- [Homebase](#) builds community capacity to end homelessness and reduce poverty, and to foster thriving, inclusive communities.
- The [Criminal Legal System Initiative \(CLSI\)](#) seeks to improve outcomes for those impacted by the CLS, decrease CLS-involvement through housing solutions, improve public safety, and reduce strain on public resources.



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About The Coalition for the Homeless (CFTH)

CFTH acts as a catalyst by uniting partners & maximizing resources to move people experiencing homelessness into permanent housing with supportive services.

Role:

- Coordinate the community response to homelessness
- Lead agency for the TX-700 Continuum of Care (CoC) The Way Home
- Coordinated Access Lead
- HMIS lead



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About Beacon Law

- [Beacon Law](#) is a Program of The Beacon of Downtown Houston.
- Beacon Law provides legal aid to help remove barriers to re-stabilization, including those related to employment and housing.



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What is the criminalization
of homelessness?

Definitions

- The criminalization of homelessness refers to laws and enforcement actions that punish survival activities of people experiencing homelessness when they have no other option but to sleep outside.
- It's part of the criminalization of poverty, which refers to laws and enforcement actions that punish people experiencing poverty for survival activities and trap them in cycles of criminal legal involvement for not being able to pay fines and fees.



Criminalization causes harm.

- Criminalization of homelessness leads to sweeps that often leads loss and destruction of unhoused folk's property.
- Life-preserving medication, wheelchairs, and green cards are regularly taken and destroyed.
- Constant move on orders by police enforcing camping ban laws lead to serious sleep deprivation.
- A nationwide survey reveals that sweeps push people into dangerous places, such as toxic industrial areas, flood zones, and steep hillsides.

Source: [House Keys Not Sweeps Fact Sheet](#)



Criminalization causes harm.

- Lack of stable housing worsens criminal legal outcomes by making detention more likely and diversion less likely (e.g., programs may require an address).
- Lack of stable housing makes it harder to fulfil the conditions of a sentence. Common conditions are premised on stable housing. Fines, fees, court costs, & restitution create financial challenges.
- Having a record makes it harder to secure and maintain housing. Criminal records may affect eligibility for public housing. Private landlords may have bias against people with criminal records.

Source: [Housing Not Handcuffs Fact Sheet](#)



Homeless Persons' Access to Justice



The consequences of criminalization can snowball.

- Even low-level infractions with no jail time can lead to jail time.
- The risk of rearrest increases when people are detained for even 1 one day and doubles at three days.
- Detention forces guilty pleas, leading to a criminal record.
- One study demonstrated job loss in 30% of people at 3 days in jail.
- One in 10 jail suicides occur on the first day; most within one month.

Sources: [Prison Policy Initiative](#), and [Vera Institute](#)



Examples of laws that criminalize homelessness and poverty:

- Camping bans, “sit-lie” laws, penalties for obstructing traffic or sidewalks, and others that criminalize activities associated with living outside.
- Laws that penalize people for keeping their things on public property or that lead to the confiscation and destruction of property.
- “Quality of life” laws that prohibit behaviors like loitering and public urination.
- Laws that target service delivery (e.g., anti-food sharing ordinances).



Criminalization is expanding nationally.

- *City of Grants Pass v. Johnson* (2024): This decision means localities are allowed to impose criminal penalties for acts like public camping and public sleeping without violating the Eighth Amendment — even if they lack sufficient available shelter space to accommodate their unhoused population.
- As homelessness surges, so, too, have laws criminalizing people for visibly experiencing it. One survey sampling 187 cities found that city laws prohibiting sleeping in public increased 50 percent between 2006 and 2019.
- Almost every state has at least one law that restricts the conduct of people experiencing homelessness, like panhandling, loitering, living in vehicles, or sharing food or water in public spaces.

Sources: [Vera Institute](#) & [MRSC](#)





Why does it matter?

Criminalization is not a solution to homelessness.

- Research has found that the passage of criminalization ordinances do not reduce local homelessness. That's because people experiencing homelessness are not doing so by choice.
- Sweeps don't target the root causes of homelessness and cause displacement and destabilization through traumatic encounters and the loss of possessions, social networks, and supports.
- Increasing access to quality housing is critical to ending homelessness and mass incarceration, and promoting racial equity.
- Studies show that Housing First and permanent supportive housing reduces arrests and jail stays, improves quality of life, increases access to services, and increases housing stability.



Criminalization worsens the revolving door between incarceration and homelessness.

- Formerly incarcerated community members are nearly ten times more likely to experience homelessness than the general population.
- People who have experienced incarceration more than once are 13 times more likely to experience homelessness than the general population.
- People experiencing homelessness are 11x more likely to be arrested than the general population.



Criminalization worsens inequity.

- Criminalization exacerbates inequities across the criminal legal, housing, health, and related systems.
- Differential treatment due to race exists at every step of the criminal legal system.
- People of color, especially Black women, are more likely to experience homelessness after incarceration.
- In Harris County, Black people make up 49% of the jailed population, 62% of people experiencing homelessness, and only 21% of the general population.

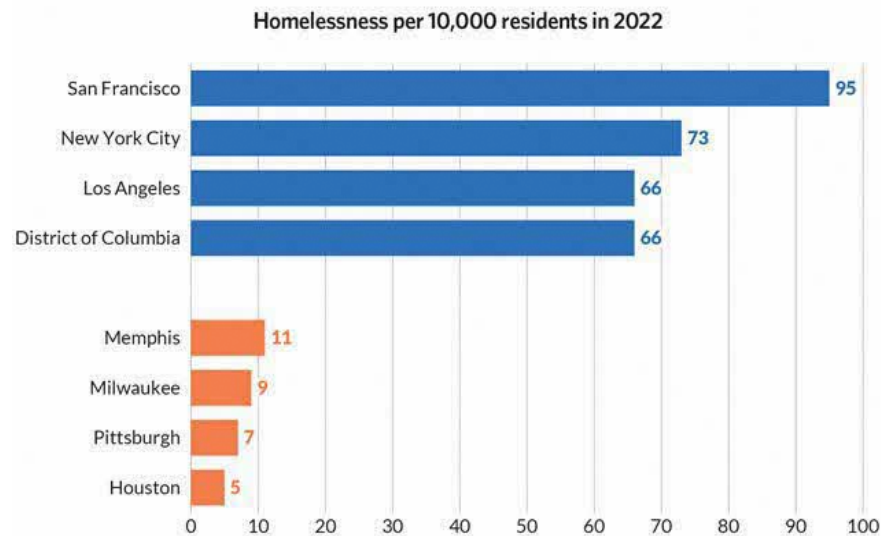


Unaffordable housing drives homelessness. Criminalization doesn't address this.

Figure 2

Homelessness Is Far Higher in Areas Where Rents Are Higher

Homelessness per 10,000 residents and median rent levels in eight cities in 2022



Source: [Pew Charitable Trusts.](#)



There are few safety net protections in Texas.

- Housing is becoming increasingly unaffordable in Harris County. A majority of neighborhoods are [not affordable for households earning \\$100k.](#)
- Texas is a landlord-friendly state. There are few protections for renters and limited recourse for evictions. Beacon is not able to take many of these cases.
- HUD's Institutional Stay rule means that if someone has stayed in an institution like a jail or hospital for over 90 days, they are [no longer considered chronically homeless.](#) This affects their eligibility for HUD-funded housing.



Criminalization raises questions about where we invest our money.

- Criminalization is the [most expensive and least effective](#) way to address homelessness.
- Housing is the more affordable and effective solution long-term.
- A [2014 analysis in Central Florida](#) found that providing chronically homeless people with permanent housing and case managers would cost \$21,000 less than the region was spending on law enforcement and medical costs per chronically homeless person.





What does the landscape
look like in Texas?

Criminalization in Texas

- Gov. Abbott signed HB 1925 after the 2021 Legislative Session, which created a camping ban.
- In Austin, voters approved “Prop B” in 2021, which prohibited camping on public properties.
- Austin’s ban was reinstated after voters elected to decriminalize homelessness in 2019. Austin had seen an uptick in camping on sidewalks, near underpasses, in public parks. Shelters were closed, there was a lack of available beds, and there was allegedly only one place to legally camp.
- In 2021, the City of Houston refused to enforce the statewide ban unless housing options were available. There are possible political ramifications to this decision, like having funding withheld.



What does the implementation of camping bans look like?

- *The Houston Chronicle* reports that there are 9.5 million dollars in “homeless ticket” fines and fees owed to the City of Houston Municipal Court.
- *The Houston Chronicle* also reports that Houston City Attorneys cannot find jurors to impanel to try ticket cases for organizations that feed the homeless, like Food Not Bombs.
- Some jurisdictions take “camping bans” and run with them. Lower level city and county courts have always been seen as revenue generators—not centers for justice.
- Example: \$28,000 in Harris County “homeless tickets.”



There aren't enough resources to meet the need (FAQs).

Q. "Why can't they just go to a shelter?"

- Clients who come to Beacon have heard that places are full, have bed bugs, or don't allow pets or belongings. This creates situations where people feel that there is nowhere to go.
- At the navigation center, the CFTH has a partnership with SPCA where pets can get a physical and shots, are quarantined, and then are reunited with their owner. The CFTH tries to make the navigation center as low-barrier as possible.
- Public transit doesn't reach all areas of the city and isn't reliable - some shelters not accessible through public transit.



There aren't enough resources to meet the need (FAQs).

Q. "Why can't they just get a job?"

- Individuals leaving Texas Department of Criminal Justice (TDCJ) or prisons are given a one way bus ticket and no form of ID.
- You can't get housed or get a job without ID. People may have additional holds or can't get the necessary documents to get their ID.
- Some people experiencing homelessness get their belongings stolen while they are on the street. This usually includes their driver's license and/or ID, which means they have to start all over.



There aren't enough resources to meet the need (FAQs).

Q. "Why can't they just get help?"

- Harris County has mental health crisis response units and jail diversion beds, but only a few units and 24 beds (Harris has a population of approximately 4.7 million residents).
- Harris County Psychiatric Hospital has 300 beds.
- Harris County Jail was once known as the largest mental health provider in Texas. Approximately one quarter of inmates were on psychotropic drugs – and that's just the people who are able to get their medication.



Criminalization is costly for everyone involved.

- Punishment doesn't provide more resources.
- People experiencing homelessness do not have the means to pay for costly tickets. More money is spent trying to collect tickets.
- E.g. the ticket goes to collections, the City or County pays collection agencies money to send notices about nonpayment, officers are paid to arrest people with outstanding warrants who are then taken to jail.
- Some clients have reported that they asked to "sit out" tickets since they couldn't pay, only to be told "we won't take you" (because of the cost of a jail stay or due to jail overcrowding).
- We're spending money on the wrong things!





What strategies can you use to address criminalization in your communities?

1. Educate and advocate.

- CoCs may be hesitant about lobbying against criminalization measures and for supportive laws. You can probably do more than you think!
- Understand the boundaries of lobbying for your organization in your jurisdiction. [Bolder Advocacy](#) is a useful resource.
- Develop policies outlining how you will respond to criminalization measures as they come up. In these policies, be sure to specify how potential conflicts of interest will be addressed, and who has sign-off power. Criminalization ordinances often move quickly, so having policies in place can help you respond in time.



1. Educate and advocate continued.

- CoCs and providers are in a unique position because you have on-the-ground experience that many advocates do not. Your testimonies are powerful!
- Collect data and stories about the impacts of criminalization, craft compelling narratives with allies, & share them with elected officials (resources from [Race Forward](#), [PolicyLink](#), [Housing Narrative Lab](#)).
- Connect with local and national organizations doing advocacy work (like [Texas Appleseed](#))!
- Create spaces for people with lived experience to share their stories - but be cautious not to tokenize.



2. Learn from and support people with lived experience.

- Support the leadership of your Lived Experience Advisory Board (LEAB) and people directly impacted by incarceration (check out recent Homebase resources [here](#) & [Just Leadership USA](#)).
- Hold listening sessions to understand the impacts of criminalization in your community and learn about what approaches people with lived experience want to take.
- Work with your LEAB to ensure that the perspectives of people living in encampments and people with criminal records are heard.
- Leverage citations for organizing and leadership development through the [Participatory Defense Movement](#).



3. Build cross-sector collaboration to improve housing and criminal legal outcomes.

- Find out about and leverage existing committees and work groups, like reentry coalitions and criminal legal reform organizations.
- See Homebase's [Toolkit](#) about collaborating with criminal legal system partners to improve housing outcomes for people with records.
- Work with your Public Defender to identify opportunities where housing-related information could mitigate case outcomes.
- Work with your PHA to [reduce barriers for people with records](#).
- Work with partners to braid funding sources and expand options beyond HUD-funded housing.



3. Minimize contact with law enforcement.

- Develop clear safety plans with alternatives to calling police (e.g., [HART](#) in Houston).
- Learn about and advocate for alternatives to law enforcement in your community. E.g., Denver's [STAR](#) program was found to [reduce reports of targeted, less serious crimes by 34%](#) and had no effect on more serious crimes in its first 6 months. Researchers estimated the cost of having police as first responders are [over 4 times](#) those associated with community response.
- Develop an understanding of whether and when you need to disclose information to prosecutors, law enforcement, or Probation to better protect participants.
- Give participants resources to know their rights. Check out the [Homeless Youth Handbook](#).



4. Work with legal aid organizations and remove barriers to housing for people with justice system involvement.

- Case study: Houston Homeless Court
- Case study: Beacon Law



Why Homeless Court?

In the State of Texas, if you have a warrant, delinquent tickets, or owe DPS fees to the State, you cannot obtain or renew your TXDL or TXID.

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HOUSTON TX 77006

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Coalition for the Homeless (CFTH) and Houston Homeless Court.





We define Community Service as their work and participation in their program.





Coming Soon:

Homeless Court in Harris
County JP Courts



**Homeless Court
partners**



Beacon Law



- Beacon Law is a program of The Beacon of Downtown Houston. It's one of several programs under the Beacon's umbrella, including Brigid's Hope, COMPASS, and The Way Home Housing Assessors and Navigators.
- Our mission is to provide essential and next-step services to restore hope and help end homelessness in Houston.
- Beacon Law is a fully grant-funded legal aid organization that works to remove barriers to restabilization. Primarily, we focus on removing barriers to getting a valid Texas Driver's License or ID.
- Our second largest area of practice is criminal record clearing and sealing.
- We take on other cases necessary to restabilize people so they can find housing and employment. We do not take on cases that are a step past restabilization, like child custody and immigration status adjustments.
- Examples of cases we can't take: civil suits for monetary judgment, representation of incarcerated individuals, and representation of undocumented individuals.



- We run into common complications when helping clients.
- All courts are different and have their own “fiefdoms.” Some courts won’t give pro se defendants the same deal as attorneys (e.g., “legal advice”).
- We cannot assist with lifting all Driver’s License or ID holds. For example, when Reinstatement Fees cannot be waived, they must be paid.
- Other common holds:
 - a. Drug Education Courses
 - b. SR22 Suspension
 - c. NRVC (Non-resident Violator’s Compact) ie Out of State Tickets
- Not all criminal history record is eligible to be expunged (cleared) or nondisclosed (sealed). Laws pertaining to what is eligible change from state to state. Assault Family Violence convictions can’t be sealed, but also poison pill case.
- There is a large population of unhoused people with sex offenses, due to an unwillingness to house or employ them.
- Often, we receive requests for assistance once the applicant or client is about to be housed. Resolving issues and barriers to getting a valid license/ID can take months or sometimes years. We need to work on these issues while the applicant





Q&A!

Please reach out to us!

- Homebase:
 - clsi@homebaseccc.org
- Scot More:
 - smore@homelesshouston.org
 - [Homeless Courts
\(americanbar.org\)](http://HomelessCourts.americanbar.org)
- Stephanie Marrone:
 - smarrone@beaconhomeless.org

Sign up for the
CLSI newsletter!



Additional Resources

- [Rethinking Crisis Response in Texas](#) (Texas Appleseed, 2023).
- [Texas' Failure to Appear/Pay Program](#) (Texas Appleseed, 2023).
- [We Do Exist resource](#) that explains how youth can get free DL/IDs.
- [Interrupting Criminalization.](#)
- [Fines and Fees Justice Center.](#)
- Homebase's report [*No Bars to Home: Meeting the Housing Needs of People Impacted by the Criminal Legal System.*](#)
- Homebase's recent resource on responding to *Grants Pass* and criminalization.

