

Alternative Solutions

Lawyers for Evictions

In the City of New Haven Homeless Advisory Commission meeting minutes for June 14, 2018, B. Huang of New Haven Legal Services references a book entitled "Evicted" by author Matthew Desmond which chronicles how eviction and poverty seem to be intertwined in a way we haven't thought about before. In the book Desmond talks about the consequences of having and not having legal representation for eviction proceedings. Tenants that had counsel fared substantially better than tenants who did not. The landlords they were up against always had counsel and therefore a significant advantage. The book also mentions a housing subsidy for low income residents.

The city of New Haven simply isn't in the fiscal position to offer housing subsidies, nor can it provide every tenant counsel without requesting federal grant money which is no guarantee it would attain. What the city can do however is try to foster partnerships with the Yale and Quinnipiac legal clinics to take on clients who're going through the eviction process. Tenants will have students under the supervision of licensed attorneys working on their cases for academic credit and experience for little to no cost to themselves. The city can also work with non-profits or promote the need for pro bono work in this area of the law. In Desmond's book he concludes that stable housing has a substantial effect on whether citizens stay in or rise out of poverty. Less evictions means less people in need of housing which may help with the overall homelessness issue.

Micro Housing

The city of Seattle has had some success with the advent of micro housing and homeless villages. The city partnered with local churches and non-profit organizations to build tiny homes. The homes were then put into areas with communal baths and kitchen facilities. Each tiny house has electricity, overhead light and a heater. Each tiny house village has kitchen and restroom facilities, onsite showers and laundry, a counseling office, and a welcome/security hut where donations of food, clothing, and hygiene items can be dropped off. This can prevent the erecting of tent cities and help defeat the stigma of homelessness by providing city sanctioned encampment areas that are more sanitary and dignified.

<https://lihi.org/tiny-houses/>

<https://crosscut.com/2018/05/seattles-new-tiny-house-village-homeless-women-only>

Rooming Houses

A form of housing in which one house is rented out on a per room basis. While the city has been hesitant to own and operate their own rooming houses, they can incentivize current homeowners to rent out rooms in their own homes. The city does however currently run sober houses with an average stay of 9 years according to Edward Mattison in the Yale Daily News on 1/29/19. The city can certainly reform these programs to get people to self-sufficiency much sooner at no cost to themselves.

To: John Rose

From: Sergio Hruszko

RE: Homeless Bill of Rights Proposal

1/30/19

Question Presented:

Should the city of New Haven adopt the "Homeless Bill of Rights" proposal?

Quick Answer

In its current form the city should not adopt this proposal. The city should take bits and pieces of it but for the most part, Connecticut already has a homeless bill of rights and some of the rights being proposed are rights people already have.

Facts

According to a report from the U.S. Department of Housing and Urban Development, homelessness increased in Connecticut by 17.4 percent since last year. Connecticut was one of 19 states with a reported increase in the rate of homelessness from 2017.¹ However it is a 7.9% decrease from 2010.

The state of Connecticut passed a "Homeless Bill of Rights" in 2013, as an attempt to address complaints of discrimination. The bill included 7 protections: The ability to move freely in the public space without being harassed by police, equal opportunity for employment, the right to receive emergency medical care, the right to register to vote and to vote, to have personal information protected, have a reasonable expectation of privacy, and to receive equal treatment by state and municipal agencies.²

The City of New Haven does not take this problem lightly. The city has a dedicated Office of Housing and Homeless Services. The city has no less than a half of a dozen shelters and works with other charitable groups to provide meals and medical care to those in need.

Activists contend the city can do more and have proposed the "Homeless Bill of Rights" to be enacted in the city on top of the statewide bill passed in 2013.

¹ The U.S Department of Housing and Urban Development "2018 Annual Homeless Assessment Report to Congress"

² https://www.cga.ct.gov/2013/TOB/S/2013SB-00896-R00_SB.htm

Discussion

In the **current state law**, a homeless person is defined as "any person who does not have a fixed or regular residence and who may live on the street or outdoors, in a homeless shelter or another temporary residence."³

The **new proposal** expands upon that definition by defining homeless as "lacking a fixed, regular, and *adequate* residence; or having primary residence in a shelter, on the street, in a vehicle, in an enclosure or structure that is not authorized or fit for human habitation, or in substandard apartments or dwellings; or staying doubled up temporarily with friends or families; or staying in transitional housing programs; or staying anywhere without tenancy rights; or staying with one or more children of whom they are the parent or legal guardian in a residential hotel or motel whether or not they have tenancy rights".

The new definition is expanded in a way where an abundance of situations can now be construed as homelessness. "Adequate residence" by itself is ambiguous and can mean any subjective standard according to the interpreter. If you have a plumbing issue and can't shower for a few days are you now in substandard housing and considered homeless? If your stove stops working and the landlord needs time to repair it, is your housing now substandard? If a young adult leaves their home after a family conflict and decides to stay with friends until the situation cools down are they now considered homeless? This new definition tries to encompass every possible situation but is ultimately so vague that homelessness can arise from several new situations. The current definition is acceptable.

The new proposal defines the "criminalization of homelessness" as "laws that prohibit or regulate behaviors in which people experiencing homelessness must engage to survive and enforcement of laws that disproportionately impact people who are experiencing homelessness, as well as practices such as issuing arrests, citations, warnings, and requests to move along—that are used to enforce such laws.

Nothing I was handed or could find showed the New Haven Police Department targeted or enforced laws differently for homeless people in comparison to non-homeless people. The bill isn't asking for fair treatment, it is asking for special treatment.

Section 3 of the proposal is the actual bill of rights. We will go through them one by one.

- a) **The right to enjoy public space**- The policy they propose is essentially the same as the one in the state bill except it adds the ability to sleep or rest in public spaces both individually or in groups "**In the same manner as any other person or groups and without discrimination on the basis of...housing status**". The bill assumes that non-homeless people regularly sleep in public spaces including sidewalks and public parks without harassment. Nothing I could find backs up the charge that homeless people are told to "move on" and non-homeless persons aren't. The bill simply assumes discrimination.

³ Ibid

- b) **The right to employment fairness-** The bill seeks to codify the right not to face discrimination based on lack of permanent residence or mailing address or if your mailing address is that of a shelter or social service provider. This seems reasonable.
- c) **The right to medical care and dignity in meeting basic needs-** The proposal calls for giving homeless people the right to defecate, urinate, and to access clean water, and other living necessities, in public locations and facilities, which includes public parks and buildings, in clean highly accessible facilities, free to all persons regardless of housing status.

To parse this proposal, homeless people already have the right to use public facilities the same as everybody else. Where this proposal is oddly worded is where it says they can **defecate and urinate... "in public locations and facilities"**. The question is why not just say public facilities? Public locations can be interpreted to mean anywhere in the public square including sidewalks and parks. Allowing this would raise many public health and sanitation questions. The bill also does not define "other living necessities" and this can be construed to mean just about anything.

- d) **The right to vote-** This is already codified in state law
- e) **The Right to Personal Property and Privacy-** 1) The reasonable expectation of privacy in his or her personal property to the same extent as personal property in a permanent residence—State law says they already have this right 2) The preservation and safeguarding of unhoused people's property including personal identification and records, including documentation of government benefits, legal proceedings, and familial records---who is responsible for preserving and housing these records?
- f) **The Right to Personal Safety-** They already have these rights. This proposal assumes law enforcement doesn't respond to their calls or help them when they are in need. It assumes families are broken up in shelters and it assumes they don't have access or a right to hot and cold shelters. None of this is true.
- g) **The Right to Sit-** This portion of the bill gives the right to sleep in a temporary shelter such as a vehicle or tent for "*Immediate survival*", however the bill doesn't define what immediate survival is or how long that period may last. This can easily be construed to allow people or persons in tents to stay in the public space indefinitely because when one is homeless their immediate survival could be on nightly basis. See *Mitchell v New Haven* 854 F.Supp 2d 238, in that case "Occupy New Haven" protestors were ordered to remove their tents and encampments due to city regulations in conjunction with the proprietors who own the green. **"The City's rules governing the use of the New Haven Green—as established and clarified through longstanding practice—are constitutionally acceptable, content-neutral restrictions on the time, place, and manner in which members of the public can exercise their most important civic rights in New Haven's most important public space. Properly employed, rules like these do not stifle speech, but coordinate it to allow for expression that is as vibrant and varied as possible."** Basically, you can apply to protest but you can't live there.

- h) **The Right to Social Exchange-** They already have these rights. Some municipalities have outlawed panhandling, and according to a report in the Yale Daily News most of the panhandlers aren't homeless.⁴ This is a band-aid proposal at best.
- i) **The Right to Equal Treatment-**They already have these rights.
- j) **The Right to Housing Fairness-**This sounds reasonable though I am unaware of any current discrimination
- k) **The Right to Housing-**Says everybody has a right to safe and affordable emergency housing and/or transitional shelter and permanent housing for everyone experiencing homelessness. The proposal cites the Universal Declaration of Human Rights Article 25. The declaration however doesn't provide or give ideas for funding mechanisms and would need to be implemented by the federal government not the city of New Haven. The proposal itself does not outline how this right would be funded or how it would work at all. It merely asserts a right without giving any details of how this is possible. The city currently has emergency shelters and services for the homeless. The city is already having fiscal issues and providing everybody housing would be an extreme task that is all but impossible without drastically raising taxes on an already overburdened tax base.

Section 6 of the bill calls for law enforcement agencies to compile and review arrest/citation data for laws that criminalize homelessness, this seems unnecessary since such data would encompass all members of the public not just the homeless, the information is already available publicly for anybody who cares to sift through it and would create a new expansive administrative task for an already strained public agency. Maybe the city can look to see if software exists that can do something like this on its own?

Section 8 The bill says any actions brought will go to the Supreme Court of New Haven, I believe this may be a typo.

The Homeless Advisory Commission has said that these proposals are revenue neutral which is impossible if the city is paying for housing as a human right and presumably paying for extra administrative tasks for an already burdened sector.

The advisory commission calls for a moratorium on laws criminalizing homelessness including those listed in the proposal such as first-degree trespass, first-degree breach of peace, disorderly conduct, and creating a public disturbance. This proposal would needlessly handicap officers from doing their job to help maintain the quality of life standards in the city for all citizens. Further it is impossible to distinguish between homeless and non-homeless citizens for the purposes of non-enforcement meaning the police need to allow everybody to commit crimes unimpeded to avoid discrimination which could cause an untold amount of damage. If the police were able to distinguish for purposes of non-enforcement, it would mean discriminating against non-homeless people which is counter intuitive to the intentions of the policy.

⁴ <https://yaledailynews.com/blog/2016/04/01/change-for-change-the-realities-of-panhandling-in-new-haven/>