



## The Urban Homeless Crisis Wrongheaded Policies and Court Decisions Exacerbate the Problem

Caring for the helpless is an injunction of the major world religions. E.g., “If someone who has worldly means sees a brother in need and refuses him compassion, how can the love of God remain in him?” (1 John 3:17).

As the homeless crisis continues to grow in the largest cities across America, public officials are flummoxed about what measures should be undertaken to address this problem, care for those living on the street, and protect the public. Often, good intentions of public officials and voluntary organizations have worsened the problem.

The immensity of the homeless crisis reveals a society in disarray. Homelessness is directly related in many cases to drug and alcohol addiction and/or mental illness. This crisis puts on full display inefficiency and incompetence at all levels of government—local, state and federal. Activist judicial decisions have exacerbated the problems by preventing city officials from enforcing municipal restrictions on camping in public places.

Today more than a half million Americans are experiencing homelessness. Of these, a majority find refuge in emergency shelters or transitional housing programs. About 40 percent of the homeless spend their nights unsheltered on the streets, in abandoned buildings, or in other places not suitable for human habitation.<sup>1</sup>

Los Angeles and New York City have the largest unhoused populations, accounting for nearly one-fifth of the U.S. homeless problem. The states of California and New York account for the largest numbers of homeless in America. Of the ten cities with the highest homeless populations, six are located in California.<sup>2</sup>

The only good news is that homeless rates among families, children and veterans have gone down.<sup>3</sup> Meanwhile, the

unsheltered homeless are multiplying. In the mild climate of California, more than 170,000 people are currently living in tents and cars and sleeping outdoors on sidewalks or under highway overpasses.<sup>4</sup>

Federal policy has been a failed “Housing First” program which has been in place for a decade at cost of \$16 billion. It calls on states and cities to create affordable housing by building new units, subsidizing rental housing or expanding public housing. The program has failed because of the nature of the homeless problem and bad policy to secure housing for the homeless.<sup>5</sup>

### Feds Making It Worse

**F***ederal requirements for gaining access to shelters and affordable housing award points to applicants in a system that seems designed to incentivize bad behavior.* Under the two-decades-old “Housing First” model developed for “Permanent Support Housing,” the federal government has focused its resources on the “chronically” homeless population—who often have a history of mental disability and long-term substance abuse.

Most homeless Americans do not fall into the “chronic” status, which requires long-term experience of homelessness. As Isabel McDevitt, a researcher at the Manhattan Institute, reported in a lengthy 2022 study of the problem, only a third of the homeless population falls into the category of chronically homeless.<sup>6</sup> Under federal guidelines aimed at helping the chronically homeless population, eligibility is determined by a wrong-headed point system. Many states and cities follow similar scoring standards.

Applicants can gain points if they have a history of long-term drug abuse, mental illness or recent arrest.<sup>7</sup> HUD guidelines

award points for free housing if the applicant has “run drugs for someone” or “shared a needle.” Other bonus points are given for taking medications other than “the way the doctor prescribed” or selling the medication. Additional points are awarded to an applicant who has tried to harm someone in the last year, another for being the “alleged perpetrator of a crime,” another for landing in a drunk tank, jail or prison. All in all, an applicant can receive up to six bonus points to reach the necessary eight points for housing.

## Terrible Incentives

**I**t gets worse, as Judge Glock, the policy director at the Cicero Institute, discovered in his investigation of the homeless problem in America. Beyond substance-use points, mothers can earn points for truant and unsupervised children. Shockingly, mothers can earn another bonus point if child protective services have removed one or more of her kids from the home.

Four bonus points may be earned for agreeing that “I am currently using alcohol or drugs and not in recovery,” while an applicant who is in recovery for more than a year earns only one point. Two points are granted if an individual has overdosed or experienced alcohol poisoning in the last year. This point system plays out in state and city programs.

In Austin, if one is homeless and commits a crime such as selling drugs, the person will be assigned to the Downtown Austin Community Court, which was established to address the “root causes” of homelessness. In San Francisco’s CONNECT program, anyone charged with crimes vaguely associated with homelessness, such as “defecating in public,” “aggressive soliciting,” “fighting” or “destruction of property,” is eligible to receive support housing, case management, medical services, family and employment programs, and meal service.

These programs may do more harm than good even to the intended beneficiaries. As Glock reports, in San Francisco in 2020-21, at least 166 people in the city’s permanent support housing program overdosed. One resident, Joel Yates, described how he was moved from a recovery house that required sobriety, to a low-barrier supportive housing unit. He met a neighbor on his floor who was smoking crack—and Yates relapsed.<sup>8</sup>

The federal courts have not helped matters, either. In 2018, the U.S. Court of Appeals for the Ninth Circuit ruled in *Martin v. Boise* that anti-camping ordinances by cities cannot be enforced unless there are enough homeless shelter beds available for their homeless population.<sup>9</sup> The case involved a suit by six homeless plaintiffs who challenged the city of

Boise, Idaho’s ordinance against camping in public places. The court ruled that such ordinances violate the Eighth Amendment to the U.S. Constitution prohibiting cruel and unusual punishment.

The U.S. Supreme Court declined to hear an appeal of the case. As a result, the city settled the lawsuit by agreeing to spend \$1.3 million for additional shelters, plus \$435,000 for plaintiffs’ attorney fees.

A number of western cities tried to skirt the *Boise* decision in various ways. The city of Grants Pass in Oregon amended its camping ordinance to allow sleeping in public, but prohibited homeless persons from using “bedding, [a] sleeping bag, or other materials used for bedding purposes.” Grants Pass issued civil citations to first-time violators, and if a violator received a second citation he could be cited for criminal trespass. This ordinance was taken to the Ninth Circuit (which includes nine western states) in *Johnson v. City of Grants Pass* (2022). A three-member panel ruled 2-1 that Grants Pass was violating the *Boise* decision.<sup>10</sup>

## 9th Circuit Kneecaps Cities

**I**n short, *cities attempting to address safety and sanitation problems in their cities by removing homeless from the streets were deemed to violate the U.S. Constitution unless shelter beds are provided.*

Western cities from Modesto, CA to Salem, OR found themselves scrambling to pass a series of stopgap measures. A survey found that 72 percent of 187 cities had ordinances restricting camping or sleeping in public.<sup>11</sup> Faced with growing homelessness in their downtowns, cities such as Modesto established a park encampment and a city-sanctioned encampment.

The problem remains that cities, especially smaller cities such as Modesto, do not have the funds to construct or subsidize enough housing space for the homeless, and without such housing, it is deemed unconstitutional to enforce anti-camping ordinances. As Maria Foscarinis, the executive director of the National Law Center on Homelessness and Poverty, which represented the plaintiffs in *Boise*, told the press, “There is no place where there is sufficient shelter space, which means that any city with a citywide anti-camping ordinance is going to face this issue.”<sup>12</sup>

Of course, even if shelter beds are available, many of the homeless express reluctance to move off the streets. As one

homeless person who moved from Los Angeles to Culver City, CA told the press, he prefers the “relaxed” environment of a city that allows him to live on the street. “As long as the weather is fine,” he said, “I’d rather be outside than cooped up inside a shelter. It’s too depressing.”<sup>13</sup> There is no reason for cities to coddle this sort of behavior.

Homelessness in cities destroys law-abiding business and drives out residents. Whole Foods announced on April 12 that it was closing its premier San Francisco store, which had just opened a year earlier to much fanfare. A spokesman said it was closing its 65,000-square-foot store in downtown San Francisco to “ensure the safety” of its employees.<sup>14</sup>

The store had already reduced operating hours because of rampant theft and syringes and crack pipes discarded in its bathrooms. Matt Dorsey, a member of the San Francisco Board of Supervisors, told the press, “Our neighborhood waited a long time for this supermarket, but we’re also well aware of problems they’ve [Whole Foods] experienced with drug-related theft, adjacent drug markets, and the many safety issues related to them.”<sup>15</sup>

The closing of a major chain store in San Francisco drew national media attention. Often left out of news reports is the sad fate of small store owners across the country who have had to close their shops or who see business declining because of problems directly related to homelessness in their neighborhoods.

### Collateral Damage to Businesses

Joe and Debbie Faillace, who own a sandwich store in downtown Phoenix, illustrate the plight of small shopkeepers.<sup>16</sup> Once a thriving business, the store suffered a sharp decline in business once it was surrounded by a thousand-person tent city that sprang up in 2020. At first, the couple tried to help the homeless by opening their bathroom and providing water, and sometimes food. It only aggravated the problems, as homeless drug users began using the shop’s bathroom to shoot up and wash their soiled laundry. The shop windows were smashed. The store began to lose long-time customers afraid to drive into the neighborhood. The owners wonder how long they can hang on.

Within a half-mile radius of the shop, police were called to an average of eight incidents a day in 2022. More than 1,000 calls were made for emergency medical help, 573 assaults, 236 incidents of trespassing, 185 fires, 140 thefts, 125 armed robbers, 13 sexual assaults and four homicides.

When the city tried to clean up a tent encampment, the American Civil Liberties Union filed a successful federal lawsuit to keep people on the street from being “terrorized” and “displaced.”<sup>17</sup> Notwithstanding that decision, in March this year a state court judge ruled that the city of Phoenix must continue its efforts to clean up the homeless encampments in the city.<sup>18</sup>

Businesses in these cities are not waiting for the crisis to be resolved. In Seattle, more than 2,300 businesses have left downtown since 2020. In Santa Monica, small business owners hoisted a banner protesting, “Santa Monica is NOT safe. Crime, Depravity, Outdoor Mental Asylum.”<sup>19</sup> Such banners could be hoisted in large and mid-sized cities across America.

### Possible Solutions

**S**olving the homeless problem won’t be easy. First, there needs to be a will to act based on an understanding that old policies have failed.

New initiatives by private groups, often funded through philanthropic grants, have developed effective small programs. One such program called Work Works provides housing, counseling and support for adults experiencing homelessness who have a capacity to work and improve their situation. The program combines paid work with transitional housing and supportive services for one year. The Work Works model has been adopted in Boulder, Aurora, Atlanta, Washington, DC and Philadelphia. Early results show that over 80 percent of graduates of these programs have left the homeless ranks. Numbers are small, but this approach seems to be working.

In Houston, officials have consolidated multi-layered bureaucracy and agencies to address the homeless problem. Housing is provided and the development of new housing and shelters is expedited.

*Treatment of mental illness and substance abuse remains the Gordian knot of the homeless problem.* Making drugs less available would help. This can begin with closing U.S. borders to drug traffickers. We can return to arresting and incarcerating drug dealers. Public officials should realize that needle-exchange programs have not worked. Soros-backed progressive prosecutors need to stop issuing get-out-of-jail cards to criminals.

Citizens need to vote for candidates who understand that old progressive policies have failed and new approaches are required. Public officials are responsible for maintaining

public order, protecting their citizens from harm, and fostering economic prosperity, jobs and well-being for average hard-working Americans. *There is nothing humane about allowing insane or drug-addicted people to take over the parks and sidewalks in whole sections of cities, befouling parks and pavements and frightening families.*

We can pray for those who suffer from drug and alcohol abuse, volunteer where we can be useful, and contribute to charities that feed and shelter the homeless. But maintaining policies that reward anti-social behavior and allow crime-filled camps to grow is not in the spirit of religious teaching.



*Left to right: Tamás Kovács, Consul General of Hungary in Chicago; Liza Forshaw, president of CMF; Zsolt Páva, Diplomat for Hungarian Communities Abroad at the Chicago Consulate*

## Hungary Honors CMF President

Liza Forshaw, the leader of the Cardinal Mindszenty Foundation since 2012, received a Gold Cross of Merit from the nation of Hungary in a ceremony in St. Louis, MO on April 12. The award was bestowed by the Consul General of Hungary in Chicago, Tamás Kovács, in recognition of Mrs. Forshaw's volunteer service to an organization that raises awareness of a Hungarian hero (Cardinal Mindszenty) and offers a speaker series at the cultural center of the historic Hungarian-American parish in St. Louis, Saint Mary of Victories and St. Stephen of Hungary Chapel.

At the award reception, Mrs. Forshaw called attention to Venerable Joseph Mindszenty's exemplary life; paid tribute to CMF's co-founders, who were inspired by Mindszenty; described CMF's ongoing activities in this 65<sup>th</sup> anniversary year; and presented the diplomats with framed pictures of Mindszenty. Watch CMF's website at [www.mindszenty.org](http://www.mindszenty.org) for more details about the award ceremony.

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<sup>1</sup> [https://www.hud.gov/press\\_releases\\_media\\_advisories/HUD\\_No\\_22\\_253](https://www.hud.gov/press_releases_media_advisories/HUD_No_22_253).

<sup>2</sup> The rankings of cities experiencing the highest rates of homeless are as follows, beginning with largest homeless populations: Los Angeles, New York City, Seattle, San Jose, Oakland, Sacramento, Phoenix, San Diego, San Francisco and Denver. Las Vegas and Portland follow.

<https://www.usnews.com/news/best-states/slideshows/cities-with-the-largest-homeless-populations-in-the-u-s>.

<sup>3</sup> <https://www.manhattan-institute.org/homelessness-isnt-just-a-blue-problem>.

<sup>4</sup> <https://www.nbcnews.com/news/us-news/california-city-bans-people-living-tenants-homeless-crisis-rcna70852>.

<sup>5</sup> The U.S. Interagency Council on Homelessness acknowledged in a December report that "funding for homeless assistance has increased every year" since its inception a decade ago, while the unsheltered population—those living on the street—increased 20 percent nationally.

<https://www.bostonherald.com/2023/03/18/whitford-doubling-down-on-failed-approach-to-homelessness/>.

<sup>6</sup> <https://www.manhattan-institute.org/homeless-but-able-and-willing-work>.

<sup>7</sup> <https://www.city-journal.org/subsidizing-addiction>.

<sup>8</sup> Ibid.

<sup>9</sup> <https://harvardlawreview.org/print/vol-133/martin-v-city-of-boise/>.

<sup>10</sup> <https://www.latimes.com/world-nation/story/2022-09-28/in-case-out-of-little-grants-pass-ore-federal-court-further-protects-rights-of-homeless>.

<sup>11</sup> <https://www.usnews.com/news/cities/articles/2020-02-10/western-cities-scramble-to-comply-with-court-ruling-on-homelessness>.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> <https://www.cnn.com/2023/04/11/business/san-francisco-whole-foods-closure/index.html>.

<sup>15</sup> Ibid.

<sup>16</sup> <https://www.nytimes.com/2023/03/19/us/phoenix-businesses-homelessness.html>.

<sup>17</sup> Ibid.

<sup>18</sup> <https://www.fox10phoenix.com/news/arizona-court-rules-that-city-of-phoenix-must-keep-the-zone-free-of-the-homeless>.

<sup>19</sup> <https://www.nytimes.com/2023/03/19/us/phoenix-businesses-homelessness.html>.

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