

PA Senate Democratic Caucus Policy Committee Hearing: Homelessness

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Barriers to Housing: Lack of affordable units, Systemic Inequities, and Criminalization

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The Problem

The United States is facing a housing crisis of proportions not seen since the Great Depression, when President Franklin D. Roosevelt lamented in his Second Inaugural Address that he saw “one third of our nation ill-housed, ill-clad, and ill-nourished.”

Prior to the Covid-19 pandemic and subsequent economic recession, homelessness was already a national crisis, with anywhere from 2.5 to 3.5 million men, women and children experiencing homelessness in 2019. [according to combined HUD and DOE data reports] Since then, homelessness has increased dramatically, particularly here in PA: ***This past year alone, homelessness in the 33 county region that I serve rose a shocking 71%***. This is just since the pandemic began, and despite eviction moratoriums.

The United States is in the grip of an ongoing housing crisis that is part of the worst financial disaster since the Great Depression. The collapse of the housing market lies at the core of the recession, contributing to a shrinking economy, a rising unemployment rate, and a devastating loss of wealth for many families. It has also led to dramatically increased rates of homelessness. While significant attention has been paid to the losses suffered by homeowners during this downturn, the impact of foreclosures and other economic stressors on renters has been largely ignored. Research shows, however, that nationally, rental properties constitute an estimated 20% of all foreclosures. Approximately 40% of families facing eviction due to the foreclosure crisis are renters, and the raw numbers of renters affected by foreclosure has tripled in the past three years. The problem will only continue to worsen as the pandemic drags on and renters continue to represent a rising segment of our state population.

The Barriers

We are facing significant barriers to keeping people housed here in PA. ***The single largest barrier to keeping people housed is a simple lack of adequate, affordable housing units.*** As per 2017 data, there is a severe shortage of affordable housing here in PA, and across the nation. Years of neglecting affordable housing development at the state and local levels, compounded by ongoing

Congressional budget cuts to HUD and other federal agencies have threatened this basic safety net for many people living in poverty, even as real wages continue to drop across the commonwealth.

The Department of Housing & Urban Development's budget for affordable housing has been cut by 56% since 1978, leading to the impossible situation we find ourselves in today. Now, due to these cuts, only 1 in 4 households that are income eligible for federal housing assistance actually end up receiving it. This gap was never made up for at the state or local level, and the failure to adequately raise minimum wages and social security benefits, publicly fund affordable housing, and create proper incentives for private development of affordable housing means the number of cost-burdened households (paying more than 30 percent of their income for housing) was 38.9 million in 2015, and the number with severe burdens (more than 50 percent of income for housing) was 11.1 million in 2015, an increase of more than 2 million since before the recession in 2007. A renter earning the federal minimum wage of \$7.25 per hour would need to work 90 hours per week to afford a one-bedroom apartment, and the statewide average monthly rent for a one-bedroom apartment is more than the entire monthly benefit of an individual relying on Supplemental Security Income (SSI).

Rising rents, stagnant wages, historically low rental vacancy rates, and a sharp decline in federally subsidized housing have led to a critical shortage of affordable housing units here in the Commonwealth. ***There is simply not enough affordable and available housing for our low-income renters***, leaving them at risk of homelessness. Nationwide, there are only 35 units that are affordable and available for every 100 extremely poor renter households in need. The affordable housing gap is even more severe in many of our state's rapidly growing counties. The result is that low-income renter households are housing cost burdened, meaning they are forced to pay more than they can sustainably afford toward rent. ***Housing cost burdens and eviction cause homelessness.***

Unaffordable rents result in evictions, even after a single late or missed payment. Eviction is not only a direct cause of homelessness, a record of eviction can also bar someone from becoming rehoused. Many communities are treating emergency shelters as the answer to systemic shortages of permanent housing, when it is really only a Band-Aid on the problem. The issue becomes that emergency shelters are not available in every community with unhoused people, especially in rural counties, and where shelters do exist, they are almost always full and routinely have to turn people away.

Even when shelter beds are open, they may be functionally unavailable to those experiencing homelessness. A broad range of practical barriers make emergency shelters inaccessible or inappropriate settings for a large number of unhoused people. Some key barriers to emergency shelter access, even when beds are technically open, are:

- **Gender:** Most emergency shelters serve only a single gender, most often single adult males. This poses a problem for women, who have fewer options for shelter, and for trans and gender non-conforming people who are often excluded from shelters entirely.
- **Age:** Most emergency shelters serve only adults. Adults with minor children have far fewer shelter options; unaccompanied youth have the fewest of all.
- **Identification Requirements:** Maintaining identification documents is difficult for unhoused people who have no place to store their personal property.
- **Family Composition:** Most shelters serve single adults and generally separate members of the opposite sex. As a result, adult married couples or parents of adult children (or even teenage male children) may be separated when entering shelter.
- **Substance Use Disorders:** Most shelters will not accommodate people who struggle with substance use.
- **Lack of Storage:** Most emergency shelters do not have capacity to store their clients' personal possessions. Thus, someone entering shelter must find a secure place to store their property or risk losing it while they are in the shelter overnight.
- **Lack of Stability:** Many shelters do not commit to providing clients with a bed for more than one night at a time, and those wishing to claim beds must line up hours in advance. This creates challenges for those trying to maintain employment, and forces people experiencing homelessness to "choose" between the possibility of a bed and their jobs. When they cannot do both, the rational "choice" may be to remain unsheltered to maintain employment.
- **Pet Ownership:** Most shelters do not accommodate pets or even allow legitimate service animals, such as seizure or guide dogs.
- **Lack of Autonomy:** Many shelters have strict rules governing curfew, the freedom to come and go during shelter hours, and/or even use of personal property, such as cell phones.
- **Lack of Privacy:** Most emergency shelters are in congregate settings, and they are often crowded. This is especially dangerous now, in the age of Covid.
- **Physical Disability:** Many shelters exclude people who have mobility issues or other physical disabilities.
- **Mental Health:** Many shelters exclude people with severe mental illness or impose rules or conditions that people with mental health disabilities cannot reasonably follow.
- **Religion:** A large number of PA's emergency shelters are offered as part of religious ministries, and the religious environment may either explicitly or implicitly exclude people with conflicting beliefs.

Because the numbers of homeless persons far exceed the numbers of shelter beds in most communities, homeless encampments can be found in every state in the country and appear to be on the rise here in PA as well. Some communities have begun to address encampments constructively. Many more, however, view the encampments as nuisances to be simply swept out of existence, resulting in the seizure and frequent destruction of tents, clothing, and personal

property. The loss of medicine, shelter, identification documents, and clothing can have profound ramifications for a homeless individual's physical and mental health. Sadly, many communities have responded to the growth of homelessness not with more housing, but by the passage of laws criminalizing homelessness.

People experiencing homelessness frequently face criminal charges for undertaking basic, life sustaining behaviors such as sleeping, sitting, and attempting to shelter themselves. Because homelessness falls disproportionately on communities of color, LGBTQ individuals (particularly youth), persons with disabilities, and women and families fleeing domestic violence, these violations frequently intersect with other forms of discrimination, and result in further marginalization of these homeless individuals.

These policies are also tremendously expensive for communities, and result in further entrenching homelessness. The time and cost of interacting with the criminal justice system sets people even further back from having the resources to escape homelessness, and criminal records make it substantially difficult for people experiencing homelessness to find a job or secure housing.

Despite the evidence that punishing homelessness is inhumane and does not solve the issue, criminalization continues to increase at the local level, which is particularly harmful, as every dollar spent on a law enforcement approach to homelessness is one less dollar available for constructive approaches that would help people out of homelessness and into housing. Laws criminalizing homelessness are rooted in prejudice, fear, and misunderstanding, and prioritize businesses and housed neighbors over the needs of unhoused individuals and families.

It is critical for lawmakers to understand the fundamental roots of laws criminalizing homelessness: ignorance of the causes of homelessness and deep-seated prejudice against and fear of people experiencing it. The inaccurate belief that homelessness is a result of poor life choices, mental illness, and/or drug addiction motivates public calls for punitive approaches to homelessness

- ***The criminalization of homelessness contributes to mass incarceration and racial inequality, as homelessness is a risk factor for incarceration, and incarceration makes it more likely that a person will experience homelessness.*** The over-policing of homeless people, who are disproportionately people of color, also exacerbates racial inequality in our criminal justice system. Unhoused people of color are more likely to be cited, searched, and have their property taken than white people experiencing homelessness. Those with multiple marginalized identities, like LGBTQ+ people of color, are even more vulnerable to homelessness and laws criminalizing homelessness.
- ***The criminalization of homelessness results in fines and fees that perpetuate the cycle of poverty.*** Financial obligations, such as from fines for using a tent or vehicle to shelter oneself, can prolong the amount of time that a person will experience homelessness, and can also leave unhoused people less able to pay for food, transportation, medication, or

other necessities. Civil and court-imposed fines and fees can also prevent a person from being accepted into housing, or even result in their incarceration for failure to pay them.

- ***The criminalization of homelessness harms public safety.*** Criminalization policies divert law enforcement resources from handling actual crime, clog our criminal justice system with unnecessary arrests, and fill already overcrowded jails. They also erode an already tenuous trust between unhoused people and police, heightening the risk of violent confrontations, and leaving homeless people more vulnerable to acts of violence without police protection.
- ***The criminalization of homelessness harms public health.*** City officials frequently cite concerns for public health as reason to enforce criminalization laws and/or to dismantle encampments, a practice often referred to as a “sweep.” But such practices threaten public health by dispersing people to more areas of a county, but with no new services to meet their basic sanitation and waste disposal needs. Moreover, sweeps often result in the destruction of tents and other belongings used to provide some shelter from the elements, as well as cause stress, and loss of sleep, contributing to worsened physical and mental health among an already vulnerable population.
- ***Laws punishing homelessness are ineffective at reducing homelessness***—they do not address underlying causes of homelessness like the lack of affordable housing. Instead, criminalization laws exacerbate homelessness by creating barriers to housing, employment, and services needed and these barriers to income and housing can prolong a person’s homelessness or even make it permanent. Criminalization also wastes taxpayer dollars, taking away resources that could be used on real solutions.

Final Thoughts

Homelessness is a solvable problem, but only if we pursue policies that work to break down the barriers I’ve laid out here today. We have to make a decision -- either we do nothing, and end up paying more to react to people’s homelessness, endlessly chasing folks through the expensive criminal justice system and emergency rooms, or we can decide that we all need to step up and invest in permanent housing solutions like devoting resources to coordinated entry, rapid rehousing, permanent supportive housing, public housing units and housing choice vouchers; by creating incentives for private development of affordable housing such as inclusionary zoning or the Low Income Housing Tax Credit; through market regulation such as rent control; through legal due process protections from eviction or foreclosure; ensuring habitable conditions through housing codes and inspections; and by raising wages to match housing costs.

Housing is a proven solution to homelessness. We just have to decide that it is a problem worth solving.