Dollars disappear

Chico laws criminalizing homelessness contribute to loss of federal funding for local service providers

By Howard Hardee

In recent years, the Chico City Council passed a couple of laws that criminalize the behaviors of homeless people. Ironically, those ordinances are now impeding a stream of federal funding that helps people get off the streets.

A census of Butte County's homeless population is set for Jan. 25.
CN&R FILE PHOTO

In 2014, the council enacted the civil-sidewalks ordinance, otherwise known as the sit/lie law, making it illegal to sit or lie in pedestrian paths of travel adjacent to commercial properties between 7 a.m. and 11 p.m. The next year, the council passed the Offenses Against Waterways and Public Property initiative, which prohibits the storage of personal property on public land, among other behaviors.

The U.S. Department of Housing and Urban Development (HUD) discourages these sorts of laws, arguing that they violate human rights and generally don't work. HUD provides about $2 billion annually to help local governments end homelessness, and, according to the agency's website, last year's grant competition awarded points if the local administering agencies—called Continuums of Care (CoC)—"implemented specific strategies to prevent criminalization of homelessness within the … geographic area." That includes engaging and educating local policymakers, law enforcement and business owners.

Based on the new requirements, the Butte Countywide Continuum of Care was penalized for the sit/lie and waterways ordinances, said Coordinator Sherisse Allen. Last year's application lost points—and the CoC lost money—partially because of those two Chico laws.

In 2016, it was awarded a total of $528,301, about $50,000 less than two years before, according to the Butte County Housing Authority.

"We have to answer what we're doing in our community to end homelessness, and one thing is educating people who make the laws," Allen said. "When they pass laws that further criminalize homeless individuals, that hurts [our application]."

The CoC has also struggled to keep up with new HUD requirements relating to data collection and the housing-first model, said Ed Mayer, executive director of the Butte County Housing Authority, a public agency dedicated to helping low-income residents maintain affordable housing.

Mayer is also vice chair of the CoC. Here's how it works: Each year, local service providers—organizations such as Stairways Programming, the Torres Community Shelter and the Jesus Center—propose projects to serve homeless people. Members of the CoC board—heads of nonprofits, county and city officials, homeless people and other stakeholders—vote on which projects to recommend, then send an application to HUD, which approves or rejects the proposals.

Through this process, Stairways recently secured $75,000 to house eight people in a particularly vulnerable subcategory—members of the LGBT community who are experiencing homelessness. "The amount of victimization in that group, even in shelter situations, is disgusting," said Michael Madieros, executive director of Stairways.

For years, federal housing grants supported myriad approaches to addressing homelessness, but the paradigm has shifted. In 2009, President Obama signed the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, which was fully implemented for the first time last year. Now, in order to secure federal funding, local agencies must embrace the housing-first model, which is based on the principle that people should be moved into housing directly from the streets and shelters without preconditions of treatment acceptance or compliance—i.e., sobriety requirements.

The act also discourages laws that discriminate against homeless people. In the future, HUD will increase penalties against CoCs that fail to educate local lawmakers, Mayer said. The Butte Countywide Homeless Continuum of Care never formally opposed the City Council's sit/lie and public property laws, he said, though members of its board did independently speak against criminalizing homelessness.

Additionally, under the HEARTH Act, local jurisdictions must identify and track homeless people with an extensive database and practice "coordinated entry" by making it the greatest priority to serve chronically homeless people who continually strain police departments, jails and hospital emergency rooms.

Trouble is, that requires a bunch of administrative work the local CoC can't afford. Between paying for a part-time coordinator and a biennial point-in-time census of homeless people in Butte County, running the CoC used to cost about $25,000 a year, Mayer said. The additional workload now demands a full-time employee, raising the estimated cost to about $85,000. The group has asked local governments to help fund the position, but fell short despite contributions from the city of Chico ($12,000) and Butte County Behavioral Health Department ($20,000).

"We don't have a reliable funding stream for this coordinator position," Mayer said.

The Housing Authority has contracted Allen, of the consulting company Housing Tools, to serve as the temporary coordinator. Her main duty is organizing the efforts of service agencies, local governments and volunteers to conduct the census on Jan. 25.

The CoC's last survey recorded a decrease in the county's total homeless population, from 1,553 in 2013 to 1,127 in 2015. That was partly due to disorganization and lack of volunteers, Allen said, not necessarily because fewer people were unsheltered.

A more accurate census could secure more federal funding in the future, Mayer said. "Some good things can come out of a functional Continuum of Care," he said. "We're just not there yet. In fact, we're going backwards."