

Criminalizing Homelessness Violates Basic Human Rights

Despite a UN report on poverty in the US, Los Angeles Mayor Eric Garcetti doubles down on cruel, anti-poor laws.

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In December, Philip Alston, the United Nations special rapporteur on extreme poverty, toured the United States to observe and report on poverty in the world's richest country. He went to several US cities, including Los Angeles. He spoke to people left behind in this time of economic expansion—war veterans suffering from post-traumatic stress disorder, women fleeing abusive relationships, people who lost their jobs and homes in the recession and who now sleep on the sidewalks, and individuals living off Social Security checks that don't cover rent in our inflated housing markets.

Alston released his report last week, and his assessment was unsparing. He said the “immense wealth” in this country “stands in shocking contrast with the conditions in which vast numbers of its citizens live.” In the United States, he writes, about 40 million people live in poverty, 18.5 million in extreme poverty, and 5.3 million in “absolute poverty.” He described conditions, including high infant-mortality rates, exposure to raw sewage, lack of basic medical care and sanitation, and malnutrition. He said that deliberate policy decisions by local, state, and federal governments are part of the cause.

The Trump administration dismissed the UN report. Ambassador Nikki Haley wrote, “It is patently ridiculous for the United Nations to examine poverty in America.” This response is not surprising, given the White House's hostility to the UN, and that the report criticized Republican tax cuts as exacerbating conditions of poverty. Denial of the problem will have tragic consequences.

The federal government, however, is not alone implementing policies that contribute to extreme poverty. In his report, Alston sharply criticized local governments for criminalizing homeless people, noting that police ticket and arrest them for “crimes” like sitting on the sidewalk, sleeping in public places, and similar offenses. My home city of Los Angeles provides an example of the failure of these policies and the choices city leaders must make across the country.

Driving into downtown from the freeways, one cannot miss the giant cranes and construction as hundreds of millions of dollars are spent to build skyscrapers that will house corporate law firms, investment banks, real-estate brokerages, tech firms, and the other big-money players that are winning in our booming economy. As one looks closer, however, in the shadows of these buildings are encampments of tattered tents, soiled mattresses, dirty clothing, and people barely surviving on the streets.

Under Eric Garcetti, a Democratic mayor with presidential aspirations, Los Angeles aggressively administers laws that criminalize homelessness, rather than focus on developing affordable housing or providing sufficient services. Alston pointed out that Los Angeles provides only nine public toilets for approximately 1,800 people on Skid Row who live on the streets, but enforces public-urination laws. A person surviving on a few hundred dollars a month disability

payment cannot afford a \$300 ticket for sitting on the sidewalk, so the ticket will go to warrant and that person will go to jail.

What will be Garcetti's response to the UN report exposing this human tragedy in his city? Will he distinguish Democratic leadership from the Trump administration's denial? Will he use the report as a tool to advocate forcefully for more housing? Will he champion the Right to Rest Act, a state legislative initiative Alston endorsed that would prevent California cities from enforcing laws that criminalize homeless people? This act, versions of which have been proposed in several Western states, would pressure cities to work together on humane solutions instead of simply using police to sweep poor people onto someone else's streets. Unfortunately, in Democratic-controlled California, not a single legislator was willing to sponsor the Right to Rest Act this year. The mayor's leadership on this issue would have an impact.

So far, his leadership has been lacking. He announced last week that the city could resume ticketing people for sleeping on the sidewalks at night. Under a 2006 legal settlement, the city agreed not to enforce the law against sidewalk sleeping between 9 PM and 6 AM until it built a set number of new housing units. But, now the mayor says, despite massive numbers living on the streets, that the city has fulfilled its obligations—a highly disputed claim—and will start enforcement actions.

Rather than building and preserving a sufficient quantity of affordable housing, the mayor proposes building shelters. While that would be helpful, the number of beds will not nearly fulfill the need, even assuming shelter conditions are safe and sanitary. Where the shelters are built, Garcetti has promised even more aggressive enforcement of the types of laws Alston criticized in his report. So, as the Trump administration condemns the UN report, this prominent mayor is simply enhancing the abusive practices the UN report exposed as violating human rights.

Criminalizing homelessness does not solve the problem. It makes suffering more brutal and drives people living on the streets further into the shadows. Local leaders should distinguish themselves from the White House not by doubling up on cruel policies, as Garcetti appears to be doing, but by ending criminalization, supporting legislation like the Right to Rest Act, investing in affordable housing, and upholding the human rights and dignity of even the poorest among us.

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