

Los Angeles's quixotic quest to end homelessness

Housing is scarce and homelessness is rising. That's not a coincidence.

Vox, by Jerusalem Demsas, May 14, 2021, 8:30am EDT

On April 20, a US District Court judge put his foot down.

“Here in Los Angeles, how did racism become embedded in the policies and structures of our new city,” he wrote. “What if there was a conscious effort, a deliberate intent, a cowardice of inaction?”

In more than 100 pages, Judge David O. Carter detailed the homelessness crisis in Los Angeles and its disparate impacts on Black residents. He was ruling on a case brought by the LA Alliance for Human Rights, a group formed in recent years for the purpose of suing the city and county of Los Angeles over the homelessness emergency.

Leaning on what some experts tell Vox are novel legal theories, Carter took homelessness policymaking into his own hands with a bold approach that seems heartening at first glance — but many of the court's proposed reforms falter under scrutiny.

Among other things, Carter's order requires:

- The city of Los Angeles to place \$1 billion in escrow within seven days. (Carter [later paused this request.](#))
- The city and county of Los Angeles to offer shelter to all unaccompanied women and children living in Skid Row, a neighborhood that contains thousands of homeless Angelenos, by July 19, 2021.
- The city and county of Los Angeles to offer shelter to all families living in Skid Row by August 18, 2021.
- The city and county of Los Angeles to offer shelter to the rest of the general population living in Skid Row by October 17, 2021.

The orders kicked up a firestorm among homelessness advocates, affordable housing developers, and local governments. The homelessness crisis has ballooned in Los Angeles — in a [June 2020 report](#), the Los Angeles Homeless Services Authority revealed an astonishing 66,436 unhoused people, a 12.7 percent increase over the previous year.

Few disagree that this is an emergency; in fact, Carter's opinion makes liberal use of the defendants' language railing against the state of homelessness several times. However, there is vast disagreement over how to fix the problem, leaving homelessness advocates divided over Carter's decision.

The dispute highlights the difficulties of solving the growing homelessness crisis in many of America's cities. As the issues become more visible to residents, searches for a quick fix can direct government funds toward bad policies. In reality, the crisis of homelessness is inextricable from the existing national shortage of affordable housing, which itself is the result of numerous policy choices made every day by local and state governments.

Why many homelessness experts don't think the \$1 billion solution is the answer

The legal case in question, *LA Alliance for Human Rights v. City of Los Angeles*, was brought by a group that some have said represents business interests in the Skid Row neighborhood. (The Alliance, which declined to share its list of members with Vox, [self-describes](#) as a “group of small business owners, residents, and social service providers.”)

Daniel Conway, a policy adviser for the Alliance, tells Vox the goal of the lawsuit was to require the government to produce “immediate housing options” and to begin restricting the ability of people to sleep outside. Conway added that the effort is not supposed to be a “law enforcement action.” Instead, he says, “this is about having outreach workers, social workers, therapists” get homeless people into temporary housing.

Of course, if someone refuses shelter, law enforcement — not social workers — is responsible for enforcing homelessness criminalization ordinances.

Carter’s order affirmed a lot of what the Alliance was looking for, but it also sparked backlash.

The defendants immediately took issue with the order to set aside \$1 billion in an escrow account.

LA Mayor Eric Garcetti’s office told me it doesn’t “just have a billion dollars sitting around in cash.” In response, Carter ended up [modifying his order](#) a few days later to require Los Angeles to draft a plan to ensure that \$1 billion is spent to alleviate homelessness.

The concerns didn’t stop there. Part of the funds to be appropriated for temporary housing would be pulled from the Prop HHH Supportive Housing Loan Program (HHH), which is meant to provide long-term housing.

That program, which issues bonds to subsidize developing housing for homeless and at-risk Angelenos, has had its struggles. Nearly halfway through its 10-year tenure, HHH has produced only 7 percent of the housing units it was supposed to create, according to [the city dashboard tracking its progress](#).

Still, the plan was meant to create long-term solutions, and now that money will be used on housing that, by definition, is only a temporary fix. Moreover, [\\$976 million](#) (or 81 percent) of the bond program’s revenue has already been committed.

Carter’s order immediately threw affordable housing developers into uncertainty, as existing projects depending on that funding may be at risk if the city is required to reallocate funds.

“Nonprofit developers are trying to figure out how [the reallocation of the HHH funds] affects their developments,” says Jet Doye, vice president of development and advancement at Skid Row Housing Trust, which provides and manages permanent supportive housing to at-risk Angelenos. Doye explained that requiring all HHH funding to go toward temporary housing solutions could undermine many of these projects.

“Certainty is a really important concept” in residential development, Alan Greenlee, executive director of the Southern California Association of Non-Profit Housing, tells Vox. “So when the court steps in and says, ‘I’m going to change the rules in pretty significant ways,’ it really creates a lot of confusion and anxiety. ... I think that the injunction has been really disruptive to the work that we’re doing.”

But perhaps the most worrying part of Carter’s order is this sentence, buried at the end: “After adequate shelter is offered, the Court will let stand any constitutional ordinance consistent with the holdings of *Boise* and *Mitchell*.”

Martin v. City of Boise and *Mitchell v. City of Los Angeles* are cases that explore the limits of criminalizing homelessness. The *Martin* case [questioned the constitutionality of two city ordinances](#) restricting people from sleeping or camping on public property. The *Mitchell* ruling stemmed from a lawsuit filed against Los Angeles by four homeless residents who accused police of “[confiscating and then destroying](#)” their [personal property](#) without a warrant. The specific principles each case established are complicated, but by invoking their names, experts say Carter is indicating that once an offer of temporary shelter has been made, Los Angeles would be free to forcibly clear homeless folks who refuse to accept it.

“One of the concerns is that this injunction will allow for the criminalization of homelessness and then resulting action to move homeless people along with no regard to actually where they’re going to go,” Greenlee explained.

There are many reasons why individuals might reject offers of temporary shelter and thus be vulnerable to forced removal. As the Los Angeles Times’s editorial board [writes](#): “It can take outreach workers weeks if not months to persuade homeless people to accept a shelter bed; this is a population inured to the hardships of the streets, many suffering from addiction or mental illness, and suspicious of other outreach workers who made promises they didn’t keep.”

Eric Tars, legal director at the National Homelessness Law Center, got more literal. It’s not just suspicion of help, he says — it’s that the help offered might actually come at too high a cost: “We often talk about the three P’s: pets, partners, and possessions.”

Many shelters bar people from bringing their pets, which some unhoused residents are unwilling to do. That’s hard for some people to understand, Tars noted. “You’re refusing shelter because of a pet? But that doesn’t credit the emotional importance that these animals may serve for people in their times of crisis and trauma,” he says.

Because many shelters are single-sex or sex-segregated facilities, often people are asked to separate from their significant others, which can be a deal breaker.

And, finally, Tars tells Vox that shelters frequently don’t allow homeless people to bring their possessions with them, even though they’re often the only items people have been able to keep safe since becoming homeless.

Shelters often present other barriers, too. They can have strict rules about when you can come and go, they can be located far from your work or family, and they may not have nearby transportation options, making it impossible for residents there to build a life.

With all of these barriers (and more), it’s not hard to understand why some refuse temporary shelters. Even when they do go, the experience can be undesirable.

Erika D. Smith, a columnist for the LA Times, [spoke to several people](#) who were recently removed from another homeless encampment in Los Angeles:

Those who accepted hotel and motel rooms said they felt jerked around and unfairly put upon by the strict Project Roomkey rules. Some were ready to leave, calling into question whether we can really call the clearing of Echo Park a “success” if homeless people are so unhappy with what happened that they refuse to stay in the housing that’s offered.

Rev. Andy Bales, chief executive of the Union Rescue Mission and a well-known advocate for homeless Angelenos, strongly supports the push for temporary shelters, one of the few people Vox spoke with to have that view. He cited the need for urgency: “No more straw-man arguments against shelters. ... 5,700 people have died on the street. The status quo can’t continue.”

But do shelters work?

The limits of shelters

With thousands on the streets during a pandemic, it can feel like the obvious solution is whatever gets them to a safe home immediately. So, for many, temporary shelters seem like the answer. But beyond the reasons many homeless people refuse to go to shelters, there are even more reasons allocating energy and time to them won’t actually solve the problem.

“It’s a doctor who gets the diagnosis right but the prescription completely wrong,” Tars says in response to Carter’s 110-page decision.

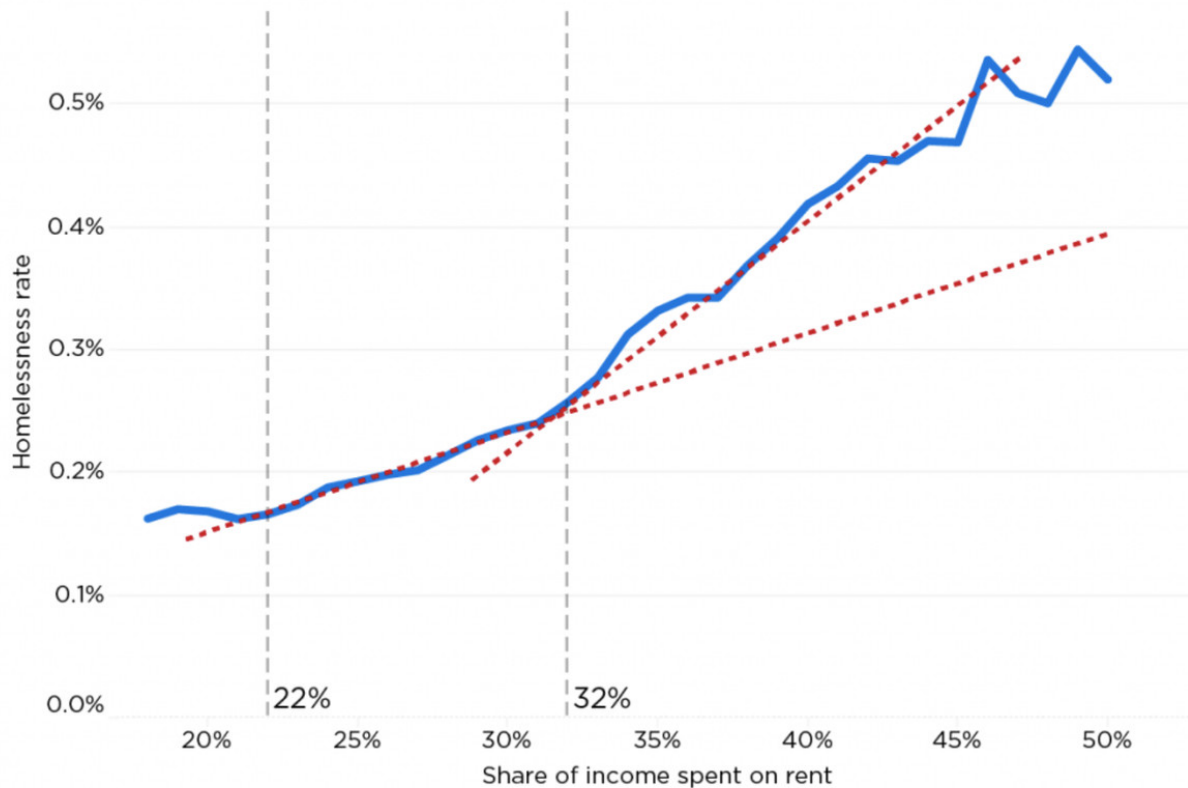
The root cause of ballooning homelessness seen in high-cost cities over the past few decades is rising housing prices. Housing insecurity is a fact of life, but tent cities springing up in Los Angeles, Seattle, and Washington, DC, are a modern phenomenon caused primarily by the burdensome costs of renting. Before the 1980s, “There were people with mental illness, lots of

people with substance abuse disorders, lots of poor people, all the same issues, but there was not widespread homelessness,” National Alliance to End Homelessness CEO Nan Roman [told Bloomberg CityLab](#) in 2020. “What changed was the housing.”

A [2018 Zillow report](#) tracking the relationship between rent affordability and homelessness concluded that “communities where people spend more than 32 percent of their income on rent can expect a more rapid increase in homelessness.”

Homelessness climbs faster when rent affordability reaches 22% and 32% thresholds

An uptick in rent affordability beyond 22 percent translates into more people experiencing homelessness. Beyond 32 percent means a faster-rising rate of homelessness — which could mean a homelessness crisis, unless there are mitigating factors within a community.



Zillow Economic Research | Source: An analysis by Zillow Research Fellow Chris Glynn of the University of New Hampshire, Thomas Byrne of Boston University and Dennis Culhane of the University of Pennsylvania.

A US Government Accountability Office [report](#) in 2017 found that nearly half of all renter households were “rent burdened” (that is, paying more than 30 percent of their household income in rent). For extremely low-income Americans, the picture was even worse — 72 percent of them were spending more than half their income on rent. The situation in Los Angeles is especially stark: A [USC Sol Price Center for Social Innovation survey](#) conducted from January to October 2019 found that 75 percent of LA households spent more than 30 percent of their income on rent and utilities.

What's more, rents in LA increased 28 percent between 2000 and 2010 while median household incomes rose just 1.2 percent, according to the LA Department of City Planning. All of these numbers mean the same thing: The number of people at risk of homelessness has risen sharply.

This precarious position means that even if every person who is currently homeless were offered a residence today, more people will continue to experience homelessness as minor financial emergencies push their families into economic despair. Stopping this flow requires permanent and affordable housing solutions. As the LA Times editorial board writes: "The order treats skid row's homeless population as an identifiable group, when in fact the population fluctuates. ... In addition to the people who come and go on the street, there are those who move into and out of interim shelters in the neighborhood."

"It's a doctor who gets the diagnosis right but the prescription completely wrong"

Heidi Marston, executive director of the Los Angeles Homelessness Services Authority, [noted to NBC](#) that while LA County rehouses an average of 207 people every day, 227 people fall into homelessness at the same time.

In his opinion, Carter calls prioritizing long-term housing a "deadly decision" because the slow pace of affordable housing development ignores the tens of thousands of people left in the streets. But the problem is not that LA has prioritized long-term housing over temporary shelters — the problem is that LA's solution for long-term housing is insufficient.

In a document disseminated five days following his original ruling, Carter clarified that "the Court's preliminary injunction calls for both interim shelter and long-term housing," but added that his order to clear Skid Row by mid-October remained in effect. So if Los Angeles were to comply, the solution would have to be temporary shelters.

Just give people money — and ensure abundant housing

The most direct way Los Angeles currently perpetuates racial and economic segregation is through exclusionary zoning laws, which restrict the type and supply of housing and often place limits on more affordable options like apartment buildings and multiplexes in favor of single-family homes that are out of reach for lower-income residents.

Los Angeles has refused to respond to its massive housing shortage by liberalizing its zoning laws. Carter touches on this in his opinion: "Without major rezoning initiatives, Los Angeles will continue to lack the infrastructure to meet the homelessness crisis and stem growing housing insecurity."

One key example of this happened in March, when the LA City Council [voted to oppose a bill that would](#) "allow small-to-medium-sized apartment buildings to be built" near highly used transit stops. This type of legislation would help increase the housing supply — making it legal to build more than one home on one lot means more people can find a place to live. This isn't a quick fix, but smaller units are generally more affordable than single-family homes due to their size and the ability of developers to collect rents from multiple families on a single lot. Policies such as these can start to alleviate the pressure on hot housing markets and bring down rents.

But the city's leadership — not only city council members but also the mayor, Garcetti, who has said he wants to tackle homelessness — were against the measure. Council members alleged the bill would start "blowing up" and "chainsawing" neighborhoods, and Garcetti said he thought apartments just "wouldn't look right," according to [an LA Times opinion article](#) written by LPlus director Mark Vallianatos.

LA's leadership is still committed to the very policies that are putting so many people on the brink of homelessness. The reason for this is clear: Many of LA's residents are unwilling to see affordable housing built in their communities. Though [77 percent of voters approved](#) a 2016

bond measure that created the Prop HHH Supportive Housing Loan Program, Greenlee said neighbors often oppose the developments in practice.

“If you look at what’s happened in places like Venice or even Hollywood, the communities have turned out in force to protest the sighting of permanent supportive housing in their communities,” he added. “They’re classist, homelessness-ist. ... People just don’t want that in their communities.”

Carter’s remedy does require the LA City Council Homelessness and Poverty Committee to report back with specific actions to address the crisis, including “the possibility of rezoning to accommodate more R3 (multi-family) zoning.” But in comparison to the bold changes he demands for temporary housing, it’s clear his heart really isn’t in it.

“If [Carter] had ordered the city to rezone, we would have applauded it,” Doye told Vox.

For many, this solution can seem too far off. How long can people wait until rents start becoming more affordable? That’s why many zoning reform advocates favor combining zoning reform with a dramatic expansion and liberalization of the housing voucher program to ensure low-income Americans can get help paying rent as cities attempt to undo the damage caused by decades of classist zoning laws.

It’s one way a bias toward immediate action undermines the impetus for reform. There is no way to fix the homelessness crisis without also addressing the housing shortage. These are not discrete problems, and the desire to see them as separate reflects an unwillingness to address hard political realities in favor of a “quick fix” that is anything but.