

Homeless Encampment Talking Points

When government agencies “clean out” or remove encampments inhabited by homeless people, it can have the effect of criminalizing their very existence. These talking points may be helpful when advocating against these actions in forums such as city council meetings and letters to the editor. Note that there may be additional points applicable to the facts on the ground in your community. Please exercise your best judgment when choosing which points apply to your advocacy efforts.

Criminalization of Homelessness Background

- Washington State saw the fastest rising home prices of any state in the country in 2016 and is now one of the five most expensive states for purchasing a home. The City of Seattle has the fastest increasing rent of any city nationwide and ranks eighth in cost of rent. This rapidly increasing cost of rent contributes to the State’s rising homeless population and means that an increasing number of people are at risk of losing their property when government agencies clean out encampments.
- There is inadequate housing and shelter to meet the needs of unsheltered people in many cities in Washington. Some shelters are only accessible to certain individuals, like single men, single women, or families, and there is no guarantee a city’s available shelter beds actually match the needs of its homeless population. In this environment, homeless encampments can provide shelter and community for individuals with nowhere else to go.
- When people have their property taken and destroyed, particularly property that is essential to survival, they do not disappear. Rather, these actions exacerbate existing challenges of living outdoors. Deprived of their clothing, tents, and personal items, people living outdoors are more vulnerable to cold weather, illness, stress, and instability in their lives.

Why sweeps of encampments have been found illegal

- Encampments serve as a place to store homeless individuals’ most important possessions. Tents, sleeping bags, medication, identification and legal documents, and clothing are often temporarily left at encampment sites. When cities indiscriminately throw away anything left at an encampment, or fail to properly distinguish between trash and personal property, these all-important possessions may be lost forever.
- As the Ninth Circuit Court of Appeals has recognized in a ruling finding sweeps illegal, “[f]or many of us, the loss of our personal effects may pose a minor inconvenience. However . . . the loss can be devastating for the homeless.” It is necessarily more impactful for homeless people when they lose possessions in a sweep that other people may take for granted.

- Homeless individuals have the same property rights to their personal possessions as any other person in Washington. Courts across the country have ruled that the destruction of homeless people's property during clean ups is unconstitutional, both because property is destroyed without sufficient notice and because the destruction violates the basic right to not have your personal property unreasonably seized by the government.
- These property rights do not disappear just because the property is temporarily left unattended at an encampment. The government does not have the right to seize and destroy an improperly parked, unattended car, for instance. Nor does it have the right to summarily destroy property here.
- Supporters of sweeps sometimes claim that advocates for homeless people are trying to create a new right to camp or sleep in playgrounds and parks. The issue is really one about individuals' rights to their own property, not where they can or can't camp. This right to their belongings is a right they *already possess* and which cannot be ignored on account of their homelessness.

Housing First

- Without a guarantee of housing or consistent, stabilizing resources, the various forms of criminalizing homelessness (like anti-camping laws and sweeps) increase instability and stress for homeless people, fail to address the actual causes of homelessness, and burden the criminal justice system. Rather than focus on sweeps of homeless encampments, providing permanent and stable housing for the chronically homeless will create the stability needed to actually eliminate homeless encampments. This approach to services is known as "Housing First" and has been successful at reducing chronic homelessness in cities like Houston as well as the state of Utah.
- Homeless sweeps are expensive and tie up municipal resources, like employees and equipment, in order to remove individuals and their property. For instance, the city of Seattle allocated over one million dollars to conducting homeless sweeps following its recent State of Emergency declaration.
- Other jurisdictions around the United States have actually *saved* money by switching to a Housing First model. For instance, the state of Utah reduced its annual spending on homeless services from \$17,000 per person to \$11,000 per person after transitioning to Housing First, while reducing its chronically homeless population by 91 percent.

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