
The Economic Burden of Criminalizing Homelessness in Florida

EXECUTIVE SUMMARY

Many cities across the United States utilize the criminal justice system to punish homeless individuals for engaging in life-sustaining behaviors in public.¹ These criminalization measures are carried out through bans on activities such as sitting, eating, sleeping, camping, and asking for change in public spaces, and include criminal penalties for violations of these ordinances.² These laws are intended to move homeless individuals out of sight and arguably out of a given city.³ The lack of permanent housing means that most of a homeless person's life is carried out in public places, which makes a person very visible to law enforcement officers and unable to avoid violating these laws.⁴ Consequently, during periods of homelessness people can, and often do, accrue multiple arrests or thousands of dollars in fines for a range of behaviors directly caused by their lack of housing.⁵

Criminalization measures do not address the root causes of homelessness and actually make it more difficult for people to move out of homelessness. Consequently, criminalization is a costly and ineffective response to homelessness. Studies have repeatedly illustrated that providing affordable housing is a more cost effective solution to ending homelessness. The recommendations outlined in this report provide alternative solutions to criminalization. This report also includes the results from a survey distributed to law enforcement officials, public defenders, and judges in Florida.

About the Authors

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The most common criminalization measures are laws expressly prohibiting the presence or activities of homeless persons—prohibitions on sitting, sleeping, or lying down on public sidewalks, as well as bans on panhandling, camping, and storing belongings in public spaces.⁸ These laws have the greatest impact on homeless individuals: persons who lack permanent housing are often faced with no choice but to conduct these activities in a public space in violation of these laws.⁹ Alarming, there has been an increase in nearly every different type of criminalization ordinance over the last few years. For instance, almost one hundred U.S. cities have prohibitions on sitting or lying down in public places.¹⁰

In addition to laws directed at certain behaviors of homeless persons, facially neutral laws—such as prohibitions on jaywalking, trespassing, public intoxication, and public urination—disproportionately impact homeless individuals.¹¹ In practice, law enforcement officers have broad discretion to selectively enforce these criminalization measures, generally in response to respond to complaints by local home or business owners.¹² Trespassing ordinances in particular have increasingly been used by cities to exclude homeless persons from public spaces.¹³ Notably, 65.8 percent of survey respondents indicated that trespassing ordinances lead to the greatest number of arrests of homeless persons. Homeless persons are more often arrested and charged for these offenses because of their increased visibility, coupled with attitudes of law enforcement officers toward them. In effect, homeless persons are arrested and charged under these criminalization measures for offenses related to their mere presence in public spaces.

Recently, cities have also begun prohibiting actions taken by third parties to help homeless individuals.¹⁴ Between January 2013 and April 2014, 33 U.S. cities enacted restrictions on publicly feeding homeless persons.¹⁵ These restrictions take several forms—from requiring permits to distribute food to homeless individuals to prohibiting an individual from handing out food to more than five people.¹⁶

OVERVIEW OF CURRENT CRIMINALIZATION LAWS

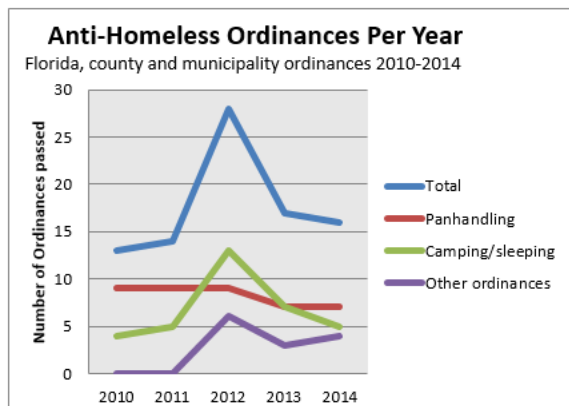
Recently, there has been an increase in local laws, policies, and procedures that seek to address homelessness through criminalization measures.⁶ These measures vary in their form, intention, and impact.⁷

A. Most Common Types of Ordinances to Criminalize Homeless Persons

While facially aimed at the behavior of third parties, these laws have the greatest impact on homeless persons themselves—these restrictions deny homeless individuals access to a source of healthy, safe food.¹⁷ The justification for these bans is that providing homeless individuals with a supply of food encourages or motivates them to remain homeless.¹⁸ However, food-sharing restrictions do not address the root causes of homelessness and merely create barriers for service providers.¹⁹

B. Criminalization Ordinances Passed in Florida

Florida has historically been an unsafe space for homeless individuals. Since 2010, Florida has passed 88 anti-homeless ordinances. Of these, 44 related to panhandling, 40 related to camping or sleeping, and 15 related to other commonplace behaviors. Nearly 30 of these ordinances were passed in 2012 alone, most likely a response to the increase in visible homelessness during that period.



These criminalization measures seem to have a bandwagon effect—similar laws have been passed in more than a dozen major cities throughout Florida. For example, the Tampa City Council passed an ordinance in 2013²⁰ that allowed police officers to arrest individuals sleeping, urinating, or “storing personal property in public.”²¹ A week before the ordinance passed, the city of Miami went to court in an attempt to abolish a landmark legal agreement that for fifteen years protected homeless persons from harassment by police for performing “life-

sustaining” activities—such as sleeping, sitting down, or storing property in public—without charges.²² Notably, Florida has been labeled the “most dangerous state for homeless people” on several occasions.²³

JUSTIFICATIONS FOR & REBUTTAL OF CRIMINALIZATION LAWS

Proponents of these laws offer two common justifications for criminalization: (1) these ordinances will connect homeless persons with needed services; and (2) criminalization measures are enacted to promote economic development and tourism.

A. Criminalization Ordinances Do Not Connect Homeless Persons with Needed Services.

Proponents often argue that ordinances expressly prohibiting the presence or activities of homeless persons are not intended to criminalize homelessness; instead, these laws were enacted to connect homeless persons with needed services.²⁴ Cities often view homeless persons as “service resistant,” meaning city officials believe that homeless people do not voluntarily engage in the public programs available to them.²⁵ Thus, cities argue that criminalization ordinances allow law enforcement officers to provide homeless persons with public services, such as connecting them with shelters.²⁶

To connect homeless persons with such services, cities also utilize alternative courts such as community, mental health, and drug courts rather than criminal courts. These courts use support services, like participation in an addiction treatment program, as an alternative to incarceration. Since these resources are used as a form of alternative sentencing, these services can be used only by homeless persons who are arrested and tried in the alternative courts.²⁷ Thus, many proponents see these laws as a “benevolent” or “tough love” approach to coercing homeless individuals into medical treatment and other services.

Criminalization measures do not connect homeless individuals with needed services, but actually perpetuate the cycle of homelessness. Recent studies exposed that homeless persons in cities such as Denver and Honolulu were not actually offered social services after they were arrested.²⁸ The majority of cities in Florida do not have the resources to provide homeless persons with needed social services; yet, cities often enact criminalization measures without providing additional funding for services like public housing.²⁹ Additionally, sweeps can result in the destruction of identification documents, which is a barrier to accessing public assistance programs—for example, some food banks will not provide food to anyone who does not present an ID.³⁰ Finally, an arrest record for violation of a criminalization ordinance is a barrier to public housing. Often, public housing authorities have “one strike” ordinances that will not allow people with any type of criminal record to obtain public housing.³¹

Enforcement of criminalization measures also moves homeless persons away from locations where service providers regularly reach them, making it more difficult for service providers to do their jobs.³² To abide by sleep, lie, and camping restrictions, homeless persons must constantly move from one location to the next. These bans displace homeless individuals from locations where they feel safe enough to sleep, denying homeless persons any possibility of stability.³³ Criminalization measures simply make street homelessness less visible, making it harder to gauge how much a city should allocate toward homeless resources.³⁴

B. Criminalization Ordinances Do Not Promote Economic Development and Tourism

Criminalization laws are commonly justified under both an economic and a public safety rationale. First, many proponents argue that criminalization ordinances are necessary to revitalize business districts and promote tourism. This argument is based on the assumption that homeless people negatively impact business

activity.³⁵ Generally, criminalization ordinances are enacted in response to businesses complaining that homeless people scare tourists and disrupt the tourism industry.³⁶

Second, many proponents claim that criminalization measures are necessary to prevent crime in the community. This belief is shaped by the “Broken Window Theory,” which argues that, by policing minor crimes such as camping, panhandling, and urinating in public, communities will prevent more serious crimes.³⁷ Once again, these ordinances are often a response to business owners, community residents, and civic leaders who feel that street homelessness infringes on the safety, attractiveness, and livability of their cities.³⁸

Criminalization ordinances do not promote economic development and tourism. First, studies have found no evidence that homeless people negatively impact business activity.³⁹ Criminalization measures may actually hinder a city’s tourism industry. Consumers, especially millennials, are increasingly taking a community’s social policies into account when making travel choices.⁴⁰ Communities do not want to gain notoriety for taking homeless people’s belongings or arresting church members for serving stew.⁴¹ Often more detrimental to cities than homelessness itself is the backlash that can be felt by unfairly criminalizing homeless persons and those who serve them.⁴²

Criminalization measures do not adequately address public safety concerns. The “Broken Window Theory” relies on the invalid belief that homeless people have a choice of whether to violate criminalization laws. To the contrary, criminalization measures prohibit necessary life functions, such as sitting and sleeping. Homeless persons violate criminalization measures because they perform such activities in public, and there is no evidence that violation of criminalization ordinances leads homeless persons to commit other crimes. Furthermore, merely removing homeless persons temporarily from public spaces (in an effort to clean up the streets) does not address the underlying causes

of homelessness, and exacerbates barriers to ending homelessness.⁴³

C. Conclusion

Despite what proponents of the laws may argue, criminalization measures do not connect homeless persons with needed services or promote economic development and tourism. Rather, criminalization ordinances actually worsen the cycle of homelessness because such measures do not address the root causes of homelessness. Therefore, criminalization measures are an ineffective response to homelessness and there is no evidence they have a positive impact on the economy or the tourist industry.

HIDDEN IMPACTS OF CRIMINALIZATION LAWS

The number of people incarcerated in U.S. prisons and jails has increased 500 percent over the last forty years.⁴⁴ The recent rise in the number of municipalities enacting and enforcing criminalization measures has contributed to this increase. These trends have proven costly for both the criminal justice system and homeless individuals.

A. Hidden Impacts on the Criminal Justice System

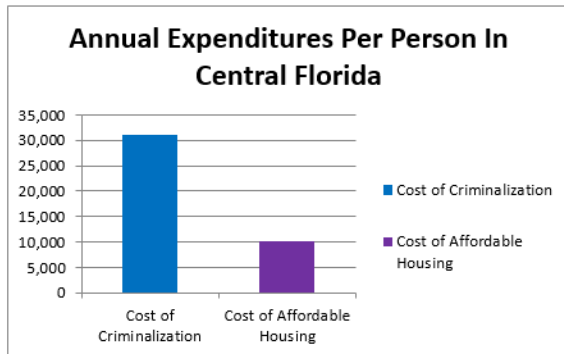
Criminalization measures cost communities more than providing solutions to the problem. Generally, the costs to the criminal justice system can be placed into three categories: (1) policing; (2) adjudication; and (3) incarceration.

Policing costs include the cost of enforcement investigations, issuing citations, and making arrests. In Florida, policing criminalization costs communities between \$600 and \$800 per arrest.⁴⁵ In 2004, for example, public safety agencies in Alachua County (Gainesville) spent an estimated \$1 million enforcing criminalization ordinances.⁴⁶ Communities should also take into account the time spent by police to enforce criminalization ordinances. For example, Toronto law

enforcement spent an estimated 16,847 hours issuing tickets for begging over an 11-year period.⁴⁷

Adjudication costs include the time spent by judges, prosecutors, and defense attorneys resolving criminalization cases. Ordinarily, these costs include the time spent reviewing case files, investigating claims, conducting hearings, participating in negotiations, and entering pleas or going forward to trial. Defending criminalization cases is the source of the most significant portion of adjudication costs. This is primarily a function of the time defense attorneys spend on each case.⁴⁸ On average, pro bono law firms spend nearly \$20,000 per matter defending criminalization cases.⁴⁹

Incarceration costs account for the most significant portion of the costs associated with criminalization ordinances. Studies have consistently proven that it costs communities more to cycle homeless people through the criminal justice system than to provide affordable housing for them. Over a ten-year period, for instance, Central Florida (Orange, Seminole, and Osceola counties) spent an average of \$3,323,955 per year on only 107 chronically homeless individuals, for a ten-year total of \$33,239,553.⁵⁰ These costs included expenditures for arrests, bookings, incarcerations, emergency room visits, and inpatient hospitalizations, but did not account for additional policing and adjudication costs to communities. Annually, criminalization costs communities an average of \$31,065 per person, whereas affordable housing costs an average of \$10,051 per person.⁵¹ Thus, criminalization costs communities in Central Florida \$21,014 (68%) more per person per year than providing affordable housing.⁵² As these figures demonstrate, criminalization of homelessness creates more of a financial burden on the criminal justice system and communities in general than providing the solutions to the problem.



Criminalization also creates administrative burdens on the criminal justice system, including overcrowding in jails and overloading of court dockets. Enforcement of criminalization ordinances brings homeless persons into the criminal justice system in a number of ways—primarily, charges for violations of an ordinance or warrants for unpaid court fees and fines. For example, nearly 40 percent of all homeless arrests in Alachua County (Gainesville) were for violations of criminalization ordinances in 2005,⁵³ and 21 percent of the Monroe County, Florida, jail population was homeless in 2014.⁵⁴ Given these figures, the system simply cannot keep pace with the number of homeless persons being issued tickets or arrested for violation of criminalization measures.

In Central Florida, homeless persons generally spend anywhere between 20 and 50 days in jail for the violation of a criminalization measure.⁵⁵ As several survey respondents noted, homeless persons often plead guilty to the stated charges in exchange for being released on time served. A number of public defenders stated that even their innocent clients will plead guilty because it is often the fastest option for them to be released from jail. For these cases, judges, prosecutors, and public defenders are tasked with acting as a safety valve within the criminal justice system. Yet, this entire process is an unnecessary administrative burden on the criminal justice system that could easily be avoided if cities no longer enforced criminalization measures.

B. Hidden Impacts on Homeless Individuals

Studies estimate that 25 percent to 50 percent of homeless persons have been incarcerated at least once.⁵⁶ A recent study of New York City, for example, found that 60 percent of homeless arrestees had a prior misdemeanor conviction and 40 percent had a prior felony conviction.⁵⁷ Notably, 97 percent of survey respondents have witnessed cases where a person's criminal record has made it difficult for him or her to get out of homelessness. A criminal record resulting from an arrest for violation of a criminalization ordinance creates severe barriers for individuals trying to escape homelessness, especially in areas such as housing, employment, and accessing social services.

Exclusionary housing policies are a significant obstacle for homeless individuals with criminal records. Since 1996, all Public Housing Authorities (PHAs) and most private landlords have run background checks on all applicants, excluding persons with criminal records from their housing.⁵⁸ These exclusionary policies are premised on the assumption that persons with criminal records might place the health and safety of other tenants in jeopardy. These exclusionary policies also allowed both PHAs and private landlords to deny an applicant or evict a tenant upon proof that a relative or guest has a criminal record.⁵⁹ Consequently, homeless persons with criminal records may have difficulty finding a family member or friend to stay with upon their release from incarceration.

For over two decades, these strict exclusionary policies have been a significant barrier to obtaining housing for homeless persons with criminal records. Recognizing these barriers, the Department of Housing and Urban Development (HUD) developed new guidance for PHAs and other federal housing programs. The HUD guidance explicitly states that “arrest records may not be the basis for denying admission, terminating assistance or evicting tenants.”⁶⁰ However, PHAs and private landlords may still deny, terminate, or evict a tenant if there is sufficient evidence, such as a conviction or police reports, that the person

engaged in a disqualifying criminal activity.⁶¹ Thus, homeless persons with criminal records still face considerable barriers to obtaining affordable housing.

Despite misconceptions to the contrary, many homeless persons are employed. However, homeless persons who are arrested and incarcerated for violation of a criminalization ordinance miss work, leaving these individuals at a greater risk of losing their jobs as a consequence. A criminal record is also a significant barrier to obtaining employment. The overwhelming majority of employers perform a criminal background check on all applicants, and employers in 45 states can refuse to hire anyone because they have a criminal record.⁶² A criminal record also allows states the option to revoke or deny professional licenses to individuals they deem lacking in “good moral character.” For example, Florida statutes allow the state licensing board to suspend or revoke the following because a person has a criminal record: cosmetology licenses, construction licenses, electrical contractor's licenses, real estate licenses, and many other professional licenses.⁶³ There are over 30,000 statutes restricting employment opportunities for persons with criminal records,⁶⁴ but without a steady source of income it becomes almost impossible for an individual to move out of homelessness.

Since a criminal history can significantly limit a person's employment opportunities, incarceration is one of the major causes of poverty in America. Public benefit programs play a significant role in lifting individuals out of poverty, yet incarcerated and formerly incarcerated persons do not have full access to these programs. For example, social security payments are suspended if an individual is incarcerated for more than thirty consecutive days. The Social Security Administration can also deny benefits to any person with an outstanding warrant.⁶⁵ For homeless individuals, these outstanding warrants may be issued as a result of the inability to pay fines or court costs, and failure to appear in court, further

exacerbating the problems related to homelessness.⁶⁶

Over the last 20 years, Florida has increased its use of court fines to offset costs to the criminal justice system. Since Florida does not provide an exemption for the indigent, homeless persons often lack the ability to pay these court fees and fines. Florida's fee driven system has a cumulative impact on homeless persons—missed payments result in additional fines and create an escalating debt cycle. The inability to pay these fees has significant collateral consequences for homeless persons. For instance, Florida often suspends driver's licenses for failure to pay court fines and fees, and criminal debt can result in poor credit history, creating more barriers to housing, employment, and public benefits for homeless persons.⁶⁷

ALTERNATIVE POLICY SOLUTIONS

Homelessness is caused by a complex set of factors, but a lack of affordable housing is the major root cause of homelessness, especially in Florida. Punishing people for sleeping in public or sitting on a public sidewalk does not address the underlying reasons people are homeless to begin with. The following section provides recommendations of alternative strategies that Florida cities should adopt to end homelessness.

A. Cities Should Implement Programs to Analyze How Criminalization Measures Burden the Criminal Justice System

The use of the criminal justice system is a costly response to homelessness. To better understand this reality, cities should determine what laws are in place and how these laws are being enforced. Cities should implement programs to review every criminalization measure they implement, thereby accounting for the number of arrests, convictions, and incarcerations due to such criminalization ordinances. Only then will cities have an accurate picture of the scope and extent of criminalization. Cities then must align these measures with constitutional, federal, state, and local requirements. Such programs have

become increasingly more important in light of a recent decision by the federal government to link federal funds to criminalization ordinances.

As of September 18, 2015, the federal government will take into account a municipality's criminalization ordinances when determining federal funding. The Department of Housing and Urban Development (HUD) administers a grant program, which allows local Continuums of Care (public-private partnerships that address homelessness in a specific geographic area) to apply for federal funding. For 2015, HUD has \$1.9 billion in available funds, which are administered on a competitive basis.⁶⁸ For the first time, HUD is asking applicants to "describe how they are reducing criminalization of homelessness." Continuums' response to this question can gain or lose them up to 2 points in the application process. In many cases, these 2 points could determine whether or not a Continuum receives federal funding. By connecting HUD funding to criminalization ordinances, the federal government is incentivizing communities to take steps to end criminalization.⁶⁹

B. Cities Should Pursue Evidence-Based Best Practices to Ending Homelessness

Evidence-based best practices are the practices, approaches, and policies that research has indicated generate positive outcomes to ending homelessness. The cost-effectiveness of these best practices is a significant reason why such programs have been adopted. Over the last five years, the federal government issued several reports outlining a set of strategies to employ cost-effective, comprehensive solutions to end homelessness.⁷⁰ States and municipalities that continue to enact and enforce criminalization measures are pursuing policies that conflict with best practices and undermine federal, state, and local efforts to end homelessness.

The following are **key recommendations** from the DOJ and USICH reports:

- Communities should repeal their criminalization ordinances and re-direct

funds in favor of efforts to create affordable permanent supportive housing and rapid re-housing programs.

- Communities should increase meaningful and sustainable employment opportunities for people experiencing or most at risk of experiencing homelessness.
- Communities should revamp services aimed at homeless persons. This includes addressing barriers to successful re-housing, providing adequate health services, and addressing barriers to accessing social benefit programs.

Orlando, Florida, seems to epitomize how cities in Florida that previously relied on criminalization ordinances to remove visible homelessness can implement evidence-based best practices to address the root causes of homelessness. In 2006, as a response to complaints about the number of homeless persons in public parks, Orlando enacted a law requiring groups to obtain a permit to feed more than 25 people at a city park, prohibited bathing and shaving in public restrooms, and enacted "panhandling zones" to discourage begging near local businesses. In response to media criticism, Orlando began to implement best practices to address its increasing homeless population. Orlando's plan focuses on developing additional public housing units, providing employment opportunities, and expanding public health services. Similar plans have been implemented across Central Florida. Orlando's change in strategy is a clear signal to other cities in Florida that criminalization measures conflict with best practices and undermine attempts to end homelessness.

C. Cities Should Implement Programs to Address Current Needs of Homeless Persons

Evidence-based practices will take time for cities to implement. While these policies are being pursued, communities should also adopt

measures to address the current needs of homeless persons. For example, cities could ensure 24-hour access to an emergency shelter, build public bathrooms that stay open 24 hours a day, and provide adequate and safe storage facilities for personal property of homeless people.⁷¹ Cities should also implement programs that help connect homeless persons to public benefit programs or other needed assistance, including outreach programs that connect homeless people to a service delivery system that is often difficult to navigate. Rather than criminalization, communities should implement programs that connect homeless persons with needed services so they do not need to perform life sustaining activities in public.

CONCLUSION

Criminalization has been an unsuccessful method for combatting homelessness.⁷²

Criminalization measures perpetuate homelessness, resulting in unnecessary and expensive burdens to the criminal justice system.⁷³ When a city uses laws or policies to target homeless people for taking actions necessary to their survival, the impact is felt far and wide.⁷⁴ While homeless persons are affected most profoundly, these measures also impact and tax the already overburdened criminal justice system.⁷⁵ Not only does this create a substantial financial burden for Florida taxpayers, it also cycles homeless individuals through the criminal justice system without offering them a way out.⁷⁶ Rather than enacting criminalization measures, communities should implement programs that address the root causes of homelessness. The recommendations outlined in this report will require that public policies be changed so that existing resources can be reallocated to programs aimed at ending homelessness.

¹ Tristia Bauman, Jeremy Rosen, Eric Tars et. al., *No Safe Place: The Criminalization of Homelessness in U.S.*, National Center for Homelessness and Poverty, at 7 (2014).

² *Id.* at 12.

³ *Id.* at 2.

⁴ Lucy Adams, *In The Public Eye: Addressing The Negative Impact Of Laws Regulating Public Space On People Experiencing Homelessness*, at 13 (2013).

⁵ *Id.* at 5.

⁶ National Law Center On Homelessness & Poverty, *Criminalizing Crisis: The Criminalization of Homelessness in U.S. Cities*, at 11 (2011) [hereinafter NLCHP Report]; Lucy Adams, *supra* note 4, at 6.

⁷ NLCHP Report, *supra* note 6; Lucy Adams, *supra* note 4, at 6.

⁸ NLCHP Report, *supra* note 6; Lucy Adams, *supra* note 4, at 11.

⁹ NLCHP Report, *supra* note 6; Lucy Adams, *supra* note 4, at 11.

¹⁰ Scott Keyes, *It Is Illegal For Homeless People To Sit On The Sidewalk In More Than Half Of U.S. Cities*, THINK PROGRESS (Jul 16, 2014 10:00AM) (finding that nearly half of the 187 cities surveyed had laws prohibiting sitting or lying in public).

¹¹ Lucy Adams, *supra* note 4, at 6.

¹² Javier Ortiz & Matthew Dick, *The Wrong Side of History: A Comparison of Modern & Historical Criminalization Laws*, at 23 (2015).

¹³ Bill McCarthy, Book Review, KATHERINE BECKETT & STEVE HERBERT, BANISHED: THE NEW SOCIAL CONTROL IN AMERICA (New York: Oxford University Press, 2010), in 117 AM. J. SOCIOLOGY, Vol. 691-693 (2011).

¹⁴ Tristia Bauman, Jeremy Rosen, Eric Tars et. al., *supra* note 1, at 25.

¹⁵ Robbie Couch, *33 U.S. Cities Have Restricted Feeding The Homeless In Past Year Alone: Report*, HUFFINGTON POST (June 10, 2014 3:59 PM EDT).

¹⁶ See National Coalition for the Homelessness, *Share No More: The Criminalization of Efforts to Feed People in Need* (2014) (describing several laws restricting food sharing).

¹⁷ *Id.*

¹⁸ Olivia C. Jerijian, *Ciminals Without a Choice: Why the Eighth Amendment Alone Cannot Protect the Homeless*, AM. CRIM. L. R. (2015).

¹⁹ See *Big Hart Ministries Assoc., Inc. v. City of Dallas*, 2011 U.S. Dist. LEXIS 128443 (N.D. Tex. Nov. 4, 2011) (finding that restricting a church group's food-sharing efforts to pre-approved locations was a barrier to service-providers).

²⁰ Tampa, Fl., Code of Ordinances No. 2013-101 § 14-51 (July 18, 2013).

²¹ Scott Keyes, *Tampa Passes New Law To Toss Homeless People In Jail For Sleeping In Public*, THINK PROGRESS, (July 22, 2013 11:30AM).

²² *Id.*

²³ *The Most Dangerous State For Homeless People Is: Florida. Again.*, THE HUFFINGTON POST (Jan. 23, 2014).

²⁴ See Boulder City Attorney's Office Testimony Against Colorado Right to Rest Act (HB 15-1264) Before the Colorado State, Veterans and Military Affairs Committee of the State Legislature, at 1:07-4:00 (2015), https://www.youtube.com/watch?v=fyJYtYasXcM&list=PL-THNi2BjExnH18KW90_wny7r-7ufRVKj&index=21 [hereinafter Video of Boulder City Attorney's Office Testimony].

²⁵ Morgan Watkins, *Possible Ordinance Would Ban Homeless from Sleeping Outside*, THE GAINESVILLE SUN (Mar. 11, 2015).

²⁶ *Id.*

²⁷ The National Coalition for the Homeless, *Illegal to Be Homeless: The Criminalization of Homelessness in the United States* (2003).

²⁸ Lucy Adams, *supra* note 4, at 92-93.

²⁹ For example, when Tampa passed its ordinance prohibiting sleeping in public, the City acknowledged that shelters in the city are full almost every night, but did not include any additional funding for new shelters or housing. Scott Keyes, *supra* note 21.

³⁰ For example, "Harvest Tabernacle" requires ID. See Food Pantries: Sarasota, FL, <http://www.foodpantries.org/ci/fl-sarasota>.

³¹ NLCHP Report, *supra* note 6, at 34.

³² Department of Children and Families, *Council on Homelessness: 2014 Report* (2014).

³³ University of Colorado at Denver, *Stephen Koester: Researches Effect of Denver's Camping Ban on the Homeless* (2015).

³⁴ Department of Children and Families, *Council on Homelessness: 2014 Report* (2014).

³⁵ University of California at Berkeley Law School: Policy Advocacy Clinic, *Does Sit-Lie Work: Will Berkeley's 'Measure S' Increase Economic Activity and Improve Services to Homeless People?*, at 3 (2012) [hereinafter Berkeley Sit-Lie Study].

³⁶ See *Smith v. City of Ft. Lauderdale* 177 F.3d 954 (11th Cir. 1999) (upholding panhandling ban under this economic rationale); see also Billy Anleu, *Citizens Decry Colorado Springs proposed Sit-Lie Ordinance at Public Hearing*, THE GAZETTE (Sept. 4, 2015); Christian Gaston, *'Sit-lie' Debate over Portland Homelessness Will Return to Oregon Legislature*, OREGON LIVE (Dec. 16, 2013).

³⁷ Ortiz & Dick, *supra* note 12, at 19-20.

³⁸ Video of Boulder City Attorney's Office Testimony, *supra* note 24, at 1:07-4:00.

³⁹ Berkeley Sit-Lie Study, *supra* note 35, at 3.

⁴⁰ Center for Responsible Travel, *The Case for Responsible Travel: Trends and Statistics* (2014).

⁴¹ Kelli Kennedy & Tarik Minor, *Fort Lauderdale Mayor Receives Hefty Amount of Emails After 90-Year-Old Man, 2 Pastors Arrested for Feeding Homeless*, NEWS4JAX (Nov, 06, 2014).

⁴² Center for Responsible Travel, *supra* note 40.

⁴³ United States Interagency Council on Homelessness (USICH), *Opening Doors: Federal Strategic Plan to Prevent and End Homelessness* (2010) [hereinafter USICH Report].

⁴⁴ The Sentencing Project, *Fact Sheet: Trends in U.S. Corrections* (2015).

⁴⁵ *Project Grace: The Gainesville/Alachua County 10 Year Plan to End Homelessness*, at 16 (2005); *Ending Homelessness in Jacksonville: A Blueprint for the Future*, at 2 (2004).

⁴⁶ *Project Grace*, *supra* note 45, at 16.

⁴⁷ Lucy Adams, *supra* note 4, at 67-68.

⁴⁸ Joshua Howard & David Tran, *At What Cost: The Minimum Cost of Criminalizing Homelessness in Seattle and Spokane*, at 13-15 (2015).

⁴⁹ Lucy Adams, *supra* note 4, at 67-68, 25.

⁵⁰ Rethink Homelessness, *The Cost of Long-Term Homelessness in Central Florida: The Current Crisis and the Economic Impact of Providing Sustainable Housing Solutions*, at 8 (2014) [hereinafter Rethink Homelessness Report].

⁵¹ *Id.*

⁵² *Id.*; Nancy La Vigne & Julie Samuels, *The Growth & Increasing Cost of the Federal Prison System: Drivers and Potential Solutions*, at 2, URBAN INSTITUTE (2012).

⁵³ *Project Grace*, *supra* note 45, at 16.

⁵⁴ Monroe County Homeless Services Continuum-of-Care, Inc., *2014 Point-in-time Count Review* (Jan. 28, 2014).

⁵⁵ Rethink Homelessness Report, *supra* note 50, at 22-26.

⁵⁶ See Tejani N, Rosenheck R, Tsai J, Kaspro W, & McGuire JF, *Incarceration Histories of Homeless Veterans and Progression Through a National Supported Housing Program*, COMM. MENT. HEALTH J. (2013); Metraux S, Culhane, *Recent Incarceration History Among a Sheltered Homeless Population*, CRIME & DELINQUENCY, 504-517 (2006).

⁵⁷ Criminal Justice Agency, *Research Brief No. 37: Arrested and Homeless in NYC*, at 3 (2015) (compared to 36 percent and 25 percent among arrestees who were not homeless).

⁵⁸ National Housing Law Product, *Model PHA Policies on Screening Applicants for a Criminal Record* (2015).

⁵⁹ Department of Housing & Urban Development, *Public Housing Occupancy Guidebook* (2003).

⁶⁰ U.S. Department of Housing and Urban Development, Office of Public and Indian Housing, *Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions*, at 2 (Nov. 2, 2015).

⁶¹ *Id.* at 4.

⁶² NLCHP Report, *supra* note 6, at 32.

⁶³ American Bar Association, *Adult Collateral Consequences Project: Florida* (July 2011).

⁶⁴ Amy L. Solomon, *In Search of a Job: Criminal Records as Barriers to Employment*, NAT. INSTITUTE OF JUSTICE J., at 43 (June 2012).

⁶⁵ Social Security Administration, *What Prisoners Need to Know*, at 2.

⁶⁶ *Id.* While formerly incarcerated individuals can have their benefits restored, they are often without needed public assistance for months after their release from incarceration, further exacerbating the problems related to homelessness. *Id.*

⁶⁷ Rebekah Diller, *The Hidden Costs of Florida's Criminal Justice Fees*, BRENNAN CENTER FOR JUSTICE (2010).

⁶⁸ National Law Center on Homelessness & Poverty, *HUD Funding Requirement Incentives Ending Criminalization of Homelessness*, at 1 (2015).

⁶⁹ *Id.*

⁷⁰ See, e.g., USICH Report, *supra* note 43.

⁷¹ NLCHP Report, *supra* note 6, at 11 (providing examples of programs that have been implemented in cities across the U.S. as alternatives to criminalization, such as "The Portland Loo").

⁷² National Law Center on Homelessness & Poverty, *Criminalizing Crisis: Advocacy Manual*, at 4 (Nov. 2011).

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*