



Wisconsin Balance of State Continuum of Care Policy on Criminalization of Homelessness

Overview

In recent years, the United States has seen the proliferation of local measures to criminalize “acts of living” laws that prohibit sleeping, eating, sitting, or panhandling in public spaces. City, town, and county officials are turning to criminalization measures in an effort to broadcast a zero-tolerance approach to street homelessness and to temporarily reduce the visibility of homelessness in their communities.

Although individuals experiencing homelessness should be afforded the same dignity, compassion, and support provided to others, criminalization policies further marginalize men and women who are experiencing homelessness, fuel inflammatory attitudes, and may even unduly restrict constitutionally protected liberties and violate our international human rights obligations. Moreover, there is ample evidence that alternatives to criminalization policies can adequately balance the needs of all parties.

<https://www.hudexchange.info/homelessness-assistance/alternatives-to-criminalizing-homelessness/>

Unfortunately, over the past 25 years, cities across the country have penalized people who are forced to carry out life-sustaining activities on the street and in public spaces; despite the fact these communities lack adequate affordable housing and shelter space. Ultimately, many of these measures are designed to move homeless persons out of sight, and at times out of a given city.

<https://nationalhomeless.org/issues/civil-rights/>

Criminalization measures do not prevent or end homelessness; they only exacerbate existing problems. After people experiencing homelessness are arrested, they are returned to their communities, still with nowhere to live and now laden with financial obligations, such as court fees, that they cannot pay.

Moreover, criminal convictions – even for minor crimes – can create barriers to obtaining critical public benefits, employment, or housing, thus making homelessness more difficult to escape.

<https://www.hudexchange.info/news/snaps-in-focus-the-case-against-laws-that-criminalize-homelessness/>

Additional information and research can be found on the increase in criminalizing practices in the United States in the No Safe Place: The Criminalization of Homelessness in U.S. Cities, a report published by the National Law Center on Homelessness and Poverty. https://nlchp.org/documents/No_Safe_Place

Section 1: Purpose

1. The purpose of this policy on Criminalization of Homelessness is to ensure agencies receiving funding (state and/or federal) to end homelessness are not promoting criminalizing homelessness policy priorities, ordinances, regulations, rules or laws.
2. This policy is intended to supplement, but not replace, any applicable state and federal laws protecting private property.

Approved by the WI Balance of State CoC Board of Directors, 9/25/18

Approved by the WI Balance of State CoC Membership, 11/09/18



Section 2: Commonly Implemented Criminalization Laws¹

Prohibitions on:

- Camping in public
- Sleeping in public
- Begging in public
- Loitering, loafing, and vagrancy
- Sitting or lying down in public
- Sleeping in a vehicle
- Food sharing

Section 3: Procedures

1. Each local coalition must develop a regional plan to address the criminalization of homelessness in their communities. The plan must include strategies to educate and engage local policymakers, law enforcement, local businesses, and other community leaders and service providers. Each coalition will review the plan annually and make necessary revisions. Plans may include:
 - Scheduling meetings with local policymakers to educate them on the criminalization of people experiencing homelessness and its impact on the community
 - Creating materials (one-pagers, poster boards, etc.) to educate the public at community events
 - Building relationships with local businesses and community leaders to provide training and resources
 - Developing alternative strategies to criminalization with local leaders
 - Connecting with local media and serving as a source on the issue (draft op-eds, provide statements, etc.)
 - Including educational components on the criminalization of homelessness at local coalition meetings and inviting external systems/partners, such as law enforcement, business leaders, etc. to attend coalition meetings
2. Agencies and staff acting on behalf of an agency shall not support the criminalization of homelessness, including but not limited to the prohibitions listed above.
3. Violations of the policy on criminalization of homelessness may result in a monitoring finding, the loss of “good standing” status with the WIBOSCOC, which may impact ongoing and future funding opportunities.

¹ List taken from *A Report by the National Law Center on Homelessness and Poverty* “No Safe Place: The Criminalization of Homelessness in U.S. Cities”: https://www.nlchp.org/documents/No_Safe_Place

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4. The WIBOSCOC will provide support to agencies to accompany this additional policy requirement. This includes providing space, at least annually, at a quarterly meeting for members and agencies to learn, discuss, and reflect on ideas and strategies used to address the criminalization of homelessness in their local coalitions.

Section 4: Records of Proceedings

1. Agencies will incorporate the policy into their program procedures.

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