

Homeless States of Emergency: Advocacy Strategies to Advance Permanent Solutions

January 2016

The U.S. Department of Housing and Urban Development found nearly 1.5 million people used publicly funded homeless services in 2014. While some areas of the U.S. have seen declines in homelessness as greater efforts are made to find housing for those living on the streets, other areas have seen increases that have overwhelmed local response systems. To help leverage additional resources and accelerate needed changes, the following jurisdictions have recently made formal emergency declarations concerning homelessness:

1. San Diego, CA
2. Portland, OR
3. State of Hawaii
4. Eugene, OR
5. Seattle, WA
6. King County, WA
7. San Ysidro School District, CA
8. Los Angeles, CA
9. Oakland, CA

These declarations take different forms depending on the community and the legal context, but generally they are intended to ease restrictions on the use of local resources in order to facilitate a response to the emergency, as is done in cases of natural disasters or civil unrest. The recent declarations have been called “Homeless States of Emergency,” “Civil Emergencies” or “Shelter Crises,” but all are aimed at similar goals and are collectively referred to as SOEs in this document. More information on each declaration can be found in Table 1 at the end of this document.

Common Themes

Each SOE contains unique components, however, some common themes include:

1. Recognizing that homelessness is a human-made disaster that has reached crisis levels;
2. Calling for the immediate production of temporary shelter, to include amending zoning, building, and other regulatory codes to reduce barriers;
3. Providing temporary shelter through the use of public and non-profit buildings;
4. Allowing alternative housing models such as ‘tiny homes’, safe parking programs, and sanctioned ‘tent cities’; and
5. Requesting additional State and Federal resources.

While these actions help address immediate issues, they tend to focus on short-term activities rather than long-term solutions. As official declarations by governing authorities, SOEs can promote awareness of homelessness and provide a framework to enact more permanent changes. They can also provide an opportunity to evaluate the proposed short-term actions (such as tent cities, temporary rest shelters, safe parking zones or other approaches that may emerge). In some cases, local SOEs can trigger a state SOE or other response that provides additional resources and garners more public attention to the problem.

Responses to Consider

Advocates may wish to promote additional or alternative SOE measures that will have longer-term effects. Depending on the legal and political context, an SOE could call for:

- Enacting rent regulation laws such as rent-control and/or rent-stabilization.ⁱ
- Improving landlord-tenant laws by requiring a ‘just cause’ for lease terminations.ⁱⁱ

- Prohibiting discrimination against people with low incomes by requiring that landlords accept Housing Choice Vouchers (popularly called Section 8) as a source of income.ⁱⁱⁱ
- Preventing evictions by providing financial support for rent, utility, and other related payments.
- Permanently altering zoning, building, and other regulatory codes and processes to reduce barriers to the production of affordable housing.^{iv}
- Increasing the production of affordable rental housing through Inclusionary zoning policies and/or developer incentives.^v
- Supporting community models of housing such as community land trusts, shared equity housing, and limited equity cooperatives.^{vi}
- Converting underutilized public buildings and land into permanent housing and services for the homeless.
- Reversing statutes and ordinances that criminalize homelessness and enacting a homeless bill of rights.^{vii}
- Imposing taxes or fees upon luxuries such as restaurants, sports and other entertainment, and/or services like Airbnb to provide additional funding for affordable housing and homeless services.^{viii}
- Implementing more robust state and federal interventions, such as universal health care and increased support for the National Housing Trust Fund.^{ix}
- Expanding the local capacity for long-term, residential mental health and substance abuse treatment.

Portland, Oregon had a unique approach to utilizing their SOE declaration for policy change. Their responses included a provision requiring that landlords provide tenants 90 days' advance notice of a rental increase of more than 5% or a no cause lease termination, and an ordinance establishing a pilot program for portable day-storage units to be installed near homeless encampments.

Advocacy Strategies

Advocates should consider the following suggestions that are intended to help maximize the potential of an SOE as an advocacy tool to advance permanent solutions. Strategies to consider include:

Proceed with caution. Many communities are making significant progress towards addressing homelessness. An SOE may not be needed and may have the unintended consequence of undermining existing efforts. Consider how such a measure will yield solutions, engage key stakeholders, and benefit those experiencing homelessness.

Include local facts. It is important to highlight the extent of the homeless crisis locally. Elevated point-in-time counts; increases in demands for shelter, health care or other homeless services; increased street homelessness; and/or an increase in homeless deaths can powerfully describe the problem from a local perspective.

Talk about homelessness as a health issue. SOEs can be issued when there is a threat to the health, safety, and public welfare of the local population. Highlight both the detrimental health impacts to those experiencing homelessness and the general public; homelessness is a public health issue.

Talk about the root causes of homelessness. To advance permanent solutions, provide local details as they relate to the root-causes of homelessness. These include a lack of affordable housing, local issues of unemployment and/or low wages, reductions of critical funding, or other changes that impact the ability to afford and maintain stable housing.

Use the media to raise public awareness. Local news stories such as extreme weather conditions can help galvanize public sympathy and demand for action. Use these timely issues to raise awareness and support.

Talk about local initiatives to address homelessness. An SOE should acknowledge steps already underway to address homelessness alongside additional short- and long-term actions that will be taken by the local jurisdiction.

Request State and Federal resources. Consider what additional state and/or federal resources would be needed to address the problem locally and make a specific ask for that support.

An additional Resource from the National Alliance to End Homelessness: *Homelessness: A State of Emergency, Do Local Decisions Have National Implications?* Is available at www.endhomelessness.org

Table 1. Detail of State of Emergency Declarations

Jurisdiction	Date Declared	Type of Declaration	Synopsis	Unique Approaches	Advocacy Strategies Included					
					Local Facts	Health Issue	Root Causes	Current News	Local Initiatives	State & Fed Resources
San Diego, CA	8/25/2015	SOE	Declares SOE due to severe shortage of affordable housing, reauthorizes R-296982; calls for affordable housing impact statement on development projects; provides City Council monthly report on housing units approved for development and demolition; calls for development of strategic housing plan	In place since 2002; focuses mainly on affordable housing crisis that leads to homelessness	✓	✓			✓	
Portland, OR	10/2/2015	SOE	2 Ordinances - amends city code to declare a housing emergency as a health and safety emergency; allows mass shelters as a temporary activity; amends zoning codes to remove obstacles to locating temporary shelters in appropriate zones; establishes a day storage pilot program; seeks state resources for mental health services	Establishes day storage pilot program that consists of mobile day storage units with sanitation facilities to be set up near homeless encampments.	✓	✓	✓		✓	✓
State of Hawaii	10/16/2015	SOE	Suspends several statutes to expedite building of a temporary shelter for families; extends homeless service contracts without requiring a bid process; shifts \$1.3 mil from State's general fund.	Only state to have declared an SOE.	✓	✓			✓	✓
Eugene, OR	10/28/2015	SC	Declares housing and homelessness crisis; requests that State convene a work group of interagency partners and appropriates additional funds.	Establishes a 'dusk to dawn' program allowing sleeping in designated areas.	✓	✓			✓	✓
Seattle, WA	11/2/2015	CE	Moved \$8 million from general fund into homeless services; expanded shelter beds, day center services, outreach service, and child care for homeless children; authorized some tent encampments; establishes programs to increase services and shelter for homeless youth in Seattle Public Schools.	Highlights foundational causes of homelessness such as low incomes, funding cuts, and institutional racism.	✓	✓	✓		✓	✓
King County, WA	11/2/2015	SOE	Supports the All Homes Strategic Plan ; secures 50 additional shelter beds and 20 housing vouchers; adds a mobile medical van to cities outreach services; increases mental health services for youth; increase support for jail diversion program LEAD ; adds capacity for substance abuse and detoxification treatment; publicly-owned land and buildings for use as alternative housing.	Includes very specific policy asks to the State and Federal governments.	✓	✓	✓		✓	✓
San Ysidro School District, CA	11/16/2015	SOE	Using school district property as temporary relief shelters for children and their families; directs the Superintendent of Schools to develop a three to five year plan to designate all schools as 'full-service community schools'; requests the Governor proclaim a state of emergency for the school district.	Focus on youth; acknowledges fundamental right of children to housing; calls on pairing anti-poverty strategies with schools.	✓	✓		✓		✓
Los Angeles, CA	11/17/2015	SC	Initially was motion to declare an SOE , later changed to a shelter crisis; directs City Attorney to present an ordinance to maximize the City's authority to provide temporary shelter; implements a safe parking program, altering zoning and other codes for such; calls on a report on permanent supportive housing in addressing homelessness.	Reallocates \$100 million towards services and brought multiple public and private stakeholders together to decide how best to spend the funds.	✓		✓		✓	
Oakland, CA	1/5/2016	SC	Opens public buildings for temporary shelter; creates report on steps to establish a tiny-house community; creates a standing order for addressing homeless shelters at future City Council meetings.	Official movement towards establishing a tiny-house community for homeless persons.	✓	✓	✓			✓

Type of Declaration: State of Emergency (SOE); Shelter Crisis (SC); Civil Emergency (CE)

ⁱ Rent control is when a cap is set on the amount of rent that can be charged. Rent stabilization limits the % rent can be increased and when rent increases can occur. A toolkit on establishing rent control policies can be found here: (bit.ly/HFA_RCA_Toolkit).

ⁱⁱ Just cause policies limit the reason a lease may be terminated by a landlord to a set of pre-determined conditions as defined within the policy. This provides protections to tenants against no-fault lease terminations such as landlords ending leases to cash in on rising housing prices. As an example, in 2013 the state of Maryland introduced, but failed to pass, a bill calling for rent stabilization and just cause evictions: (<http://1.usa.gov/1PTolsD>)

ⁱⁱⁱ The Poverty & Race Resource Action Council maintains a periodically up to date list of local, state, and federal ordinances prohibiting discrimination in the housing market based on source of income (www.prrac.org/pdf/AppendixB.pdf). While varied, the ordinances make it illegal to discriminate against Housing Choice Voucher holders in determining income eligibility for a rental property.

^{iv} Local zoning laws, building codes, and other regulatory processes limit everything from the placement of a building on a lot, the size of rooms within the building, to what the building can be used for. This often favors wealthier households, requiring lot and room sizes that increase a buildings size and make it unaffordable to many. One example of lowering restrictive zoning codes is to allow for accessory dwelling units, which are additional units of housing added to a property and may include apartments above a garage, basement apartments, or smaller housing units located on the property such as a converted shed or separate parking garage.

^v Inclusionary Zoning is a locally enacted ordinance that requires new units of housing built include a percentage, generally 10-30%, of units be affordable to low-income households, typically 50-80% of area median income. The policies vary widely across the U.S., from voluntary to mandatory, between the size of development, whether new or rehab development counts under the policy, and often comes with incentives for the developer that include reduced fees and an expedited development process. There are mixed reviews as to how well inclusionary zoning works to increase the availability of affordable housing. A good review of the policy can be found here: (<http://bit.ly/1QbFj0b>).

^{vi} A community land trust creates permanently affordable housing controlled by the community by separating the ownership of land from the buildings on the land. Shared equity homeownership and limited equity cooperatives are ways to provide home ownership opportunities to low-income households. The model exists between renting and traditional home ownership, and in addition to modest wealth gains it also promotes community through shared ownership of the land. More information on these programs can be found here: (<http://community-wealth.org/strategies/panel/clts/index.html>).

^{vii} Thousands of local policies exist throughout the U.S. that criminalizes simple acts such as sitting or lying in public, which overwhelmingly target the persons experiencing homelessness. A homeless bill or rights addresses these policies and establishes a framework for ending discrimination against people due to their housing status. More information can be found here: (http://www.nlchp.org/documents/Wrongs_to_Rights_HBOR).

^{viii} In Miami-Dade County, Florida a 1% food and beverage sales tax, called the Homeless and Domestic Violence Tax, was added onto sales from businesses that are licensed to sell alcoholic beverages (<http://bit.ly/1nPFLW6>). The tax provides \$12-\$14 million towards a homeless trust fund each year, which combined with federal dollars, are used to build emergency and temporary shelter, as well as permanent affordable housing. Airbnb (www.airbnb.com) has been criticized for decreasing the availability of affordable housing by incentivizing private owners to take housing off of the traditional rental market and move it towards an Airbnb model. This has come to a head in high priced housing markets like San Francisco and New York City. Some municipalities have responded by charging a tax on Airbnb transactions, similar to a hotel and motel lodging tax, and tying the income generated from the tax directly to the development of affordable housing. An example of a policy tying lodging tax to the development of affordable housing can be found here: (<http://1.usa.gov/1WOp2hQ>).

^{ix} The National Housing Trust Fund is a program designed to provide funding for the development of affordable rental housing for extremely low-income households. More information can be found here: (<https://www.hudexchange.info/programs/htf/>).