

# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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## **Leadership on Criminalization of Homelessness Needs to Be Matched By Commitment to Housing**

*Federal Government Receives Failing Grades on Ensuring Housing Rights*

Washington, D.C. - On December 10, 2015, the [National Law Center on Homelessness & Poverty](#) issued its [annual report card](#) on the human right to housing in the U.S., praising the progress of the federal government in addressing the criminalization of homelessness, but condemning its ongoing failure to stem the tide of homelessness by ensuring adequate, affordable housing is available to all.

“This year we are happy to report a significant improvement in the federal government’s grade on criminalization in response to international attention and domestic advocacy,” said Maria Foscarinis, Executive Director of the Law Center. “Congress [mandated](#) the Administration to address criminalization in 2009, and since 2012, the government has referred to [criminalization of homelessness as a human rights violation](#). This year it accepted a recommendation from the UN Human Rights Council to end it, and has taken several [significant steps to implement that recommendation](#).”

This August, the Department of Justice [filed a brief](#) in the Law Center’s case against a Boise, Idaho anti-camping ordinance, stating “[i]t should be uncontroversial that punishing conduct that is a universal and unavoidable consequence of being human violates the Eighth Amendment . . . Sleeping is a life-sustaining activity - i.e., it must occur at some time in some place. If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless.” The U.S. Interagency Council on Homelessness also issued [guidance on encampments](#), specifically stating, “The forced dispersal of people from encampment settings is not an appropriate solution or strategy.” A month later, the Department of Housing & Urban Development followed through by [creating funding incentives](#) to stop criminalization in their \$1.9 billion grant program for homeless Continuums of Care.

The report card also notes important steps the Obama Administration and the Supreme Court took in regards to fair housing, locational access to opportunity, and housing opportunities for victims of domestic violence.

Every year, on December 10, the Law Center marks [Human Rights Day](#) by publishing its report card, measuring federal progress toward meeting the human right to housing. While making significant progress on its grade on criminalization, the federal government continues to fall short in many other areas, receiving failing grades in Renters Security of Tenure and Affordability, and “D” grades in several other areas.

“The Administration has taken some major steps toward making sure homeless people are not punished for simply trying to survive without homes,” explained Eric Tars, Senior Attorney at the Law Center and primary author of the report. “Now it’s up to Congress and state and local government to make sure people aren’t forced to live without homes in the first place, so we can all enjoy the basic human dignity that comes with a safe, adequate place to live.”

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*The National Law Center on Homelessness & Poverty ([www.nlchp.org](http://www.nlchp.org)) is the only national organization dedicated solely to using the power of the law to prevent and end homelessness. With the support of a large network of pro bono lawyers, we address the immediate and long-term needs of people who are homeless or at risk through outreach and training, advocacy, impact litigation, and public education.*