**OPPOSE HB 1925 (Capriglione) / SB 987 (Buckingham)**

**HB 1925 / SB 987 is an Overbroad, Ineffective, and Harmful Approach That Interferes with Local Government and Prosecutorial Discretion**

**Summary:** Homelessness in Texas is a serious issue that deserves serious attention. Texas is home to [tens of thousands of homeless families and individuals](https://files.hudexchange.info/reports/published/CoC_PopSub_State_TX_2020.pdf) who do not have access to affordable housing or even safe and adequate shelter, and who instead must live outdoors until housing is available to them. Many more Texans face housing instability and are at-risk of homelessness as a result of the COVID-19 pandemic, the recent deep freeze, past hurricanes, and other crises. Rather than offer needed solutions, [HB 1925 / SB 987](https://legiscan.com/TX/bill/HB1925/2021) offers a statewide criminal camping ban—an ineffective, harmful, and expensive approach, [long-recognized as counter-productive](https://nlchp.org/housing-not-handcuffs-2019/) to the goal of getting people off the street and into housing. In addition, HB 1925 / SB 987 robs local governments and law enforcement of their ability to craft targeted solutions that best address their particularized circumstances.

**HB 1925 / SB 987 Enacts a Statewide Camping Ban in the Form of an Unfunded Mandate**

* HB 1925 / SB 987 creates a statewide Class C misdemeanor criminal offense for sheltering in public without consent, punishable by a fine of up to $500.
* This criminal offense broadly defines “camping,” to prohibit using *anything but clothing* as protection from the elements. It makes no exception for inclement weather events or the pandemic. It makes no exception for people who lack access to housing and adequate shelter, nor people with disabilities that cannot be accommodated in emergency shelter settings.
* This bill includes no additional State funding for either law enforcement or housing, even though [studies](https://www.law.du.edu/d7/homeless-advocacy-policy-project/2016-report-supporting-documents/cost-criminalizing-homelessness) show cycling homeless individuals through the criminal justice system cost communities [two to three times *more*](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiU2c7Cs4DwAhWiiOAKHU0pAXkQFjABegQIBRAD&url=https%3A%2F%2Fshnny.org%2Fresearch%2Fthe-cost-of-long-term-homelessness-in-central-florida%2F&usg=AOvVaw0bLi_kXQ13q99WNgEzrRqP) than providing housing.

**HB 1925/SB 987 Puts Law Enforcement and Communities at Risk**

* As recognized by the [U.S. Department of Justice COPS Division](https://cops.usdoj.gov/html/dispatch/12-2015/index.asp), police are put at risk when already stressed homeless individuals, some with mental health or addiction issues, are placed under even more stress because their very existence outside is considered a crime, making every interaction with police threatening to them, and potentially provoking fight-or-flight responses.
* [Studies](https://finesandfeesjusticecenter.org/articles/exploitative-revenues-law-enforcement-and-the-quality-of-government-service/) show increased enforcement of minor non-violent infractions actually decreases the violent crime clearance rate, making communities less, not more, safe.

**HB 1925 / SB 987 Tasks the State with Establishing Punitive Homelessness Policies in Every Local Jurisdiction and Divesting Local Jurisdictions of Local Control and Needed Financial Support**

* HB 1925 / SB 987 requires each State “officer or agency” that has “the legal duty or authority to manage [a] public place” to micromanage local jurisdictions’ applications for camping permits, without providing any standards or guidance on how to do so.
* The bill states that any “local entity”—all local governments as well as any “sheriff, municipal police department, [or] municipal attorney”—that “prohibits or discourages the enforcement of any public camping ban” shall be “denied state grant funds” for the following year without defining what it means to “discourage” enforcement.
* Under the bill, the final determination that a local government has unlawfully “prohibit[ed] or discourage[d] the enforcement of any public camping ban” will come only following a “final judicial determination” in a litigation between the Attorney General and a political subdivision—thus risking devotion of scarce taxpayer resources to protracted intra-governmental litigation, rather than investment in housing solutions.
* This divests local lawmakers, law enforcement, and prosecutors of decision-making authority about sensible approaches to local homelessness. Indeed, it seeks to force local police and prosecutors to perform their jobs according to a harmful one-size-fits all state mandate, rather than according to their better-informed professional judgement, effectively mandating that police and prosecutors prioritize scarce resources to enforcing a camping ban, at risk that identifying more urgent concerns may be interpreted by the State as “discourag[ing]” enforcement of a camping ban.

**HB 1925 / SB 987 Constrains Individual Liberties**

* The bill places the burden on people experiencing homelessness to find out in which areas (if any) camping is allowed. And, if no such area is designated, then it requires unsheltered homeless people to attempt to survive outside without even the benefit of a blanket. The cruelty of this overbroad approach is especially apparent given the recent severe winter storms. In addition, people who merely “stor[e] personal belongings” in public can also be cited if law enforcement decides that the belongings have been present for an undefined “extended period.”

**HB 1925 / SB 987 Harms Marginalized People**

* The bill disproportionately targets disadvantaged communities: According to [Texas Homeless Network](http://www.thn.org/2020-annual-report/), as of 2020, 37% of people experiencing homelessness are Black, even though only 13% of the general population is black.
* The [US Interagency Council on Homelessness](https://www.usich.gov/resources/uploads/asset_library/HIA_Individual_Adults.pdf) reports that nearly half of people experiencing homelessness “report that they have a disability.” And the CDC has published [resources](https://www.cdc.gov/phlp/docs/resources-homelessness.pdf) detailing the negative correlation between homelessness and physical and mental health.

**HB 1925 / SB 987 Will Increase, Not Decrease the Number of Homeless Encampments in Texas**

Past experience shows that imposing criminal penalties on a population without access to housing or even the means to pay a fine will not actually decrease the number of Texans who live outside in public spaces. Instead, the [collateral consequences](https://nlchp.org/housing-not-handcuffs-2019/) of criminal justice involvement make homelessness more difficult to escape. Texans cited under this new class of criminal violations will face additional barriers to accessing housing and employment opportunities due to background checks; may lose any existing employment if they are jailed and unable to report to work; and will be forced to devote their meager resources to paying legal fines or otherwise navigating the legal system rather than obtaining housing, thus *increasing* rather than *decreasing* the number of people living on Texas’ sidewalks and parks.

**The following national organizations and individuals urge you to oppose HB 1925 /SB 987**:

National Homelessness Law Center, Barbara Poppe & Associates, National Low Income Housing Coalition, Funders Together to End Homelessness, Community Solutions, National Coalition for Homeless Veterans, National Innovation Service Center for Housing Justice