



Testimony of Eric Tars, Legal Director

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United States House of Representatives,
Committee on Financial Services

October 21, 2021 Hearing:

A Strong Foundation: How Housing is the Key to Building Back a Better America

Introduction

Chairwoman Waters, Ranking Member McHenry, members of the committee: On behalf of the [National Homelessness Law Center](#) (formerly the National Law Center on Homelessness & Poverty)(the “Law Center”) thank you for the opportunity to submit written testimony on the critical issue of homelessness in America and how ensuring robust funding for housing as part of the Build Back Better Act is essential to ending it.

The Law Center is the only national organization dedicated solely to using the power of the law to end and prevent homelessness. We, along with [President Biden](#), believe [that housing is a basic human right](#) that must be secured for all, and that homelessness in a country with the resources of the United States is a violation of this right. We emphasize that homelessness and inadequate housing [disparately impact](#) Black, Indigenous, and other people of color, and solutions must follow an equitable approach that will help those with the most need first.

The Law Center appreciates the efforts of the Chairwoman, as well as other members of this committee to elevate this importance through this hearing and elsewhere. In line with the other members of the [National Coalition for Housing Justice](#) (NCHJ), we affirm that any spending cuts to the overall size of the economic recovery package must not come at the expense of proven solutions to America’s housing and homelessness crisis. Rental assistance, public housing, and the Housing Trust Fund are three essential programs that serve America’s lowest-income and most marginalized households who face the greatest, clearest needs. These programs must be funded at the historic levels approved by the House Financial Services Committee.

Congress Must Fulfill its Promise to End and Prevent Homelessness And Build Back Better

With the passage of the McKinney-Vento Act in 1987, Congress recognized its responsibility to protect homeless populations and the benefits reduction of poverty and homelessness bring to American society. But the McKinney-Vento Act was intended to be only a first, emergency step in the federal response to homelessness; it was not intended to be the only response. Indeed, it was part of a large legislative proposal that included measures to prevent and end homelessness. And while the McKinney-Vento Act has grown significantly since 1987, those longer term measures were never enacted—nor has the homelessness crisis ended. In fact, this

crisis has escalated to levels that demonstrate significant failings of federal, state, and local policy.

Even before the pandemic, close to [1.4 million school children were identified homeless](#) during the 2018-2019 school year, a number which has gone persistently upward over the past decade. Reports of [homeless encampments grew 1,342%](#) between 2007 and 2017, and 2020 marked the first time since federal data collection began that [more individuals experiencing homelessness were unsheltered than were sheltered](#). [Black Americans](#) made up approximately 40 percent of those counted by HUD in 2020, as compared to 13 percent of the entire population, and Indigenous Americans also experience homelessness at double their percent of the national population. And [LGBTQ+ youth](#) are more than 120% more likely to experience homelessness than heterosexual and cis-gender youth. It is quite clear that homelessness and poverty are not just stand-alone issues—they are an amalgamation of intersectional civil and human rights and economic issues that demand the attention of Congress.

Despite the deep disparate racial impact of homelessness, the vast majority of federal policy and guidance aimed at addressing and ending homelessness, [omits anti-Black racism](#) as a leading driver of homelessness and neglect to include Black people as a target subpopulation of people experiencing homelessness. Early advocates for ending homelessness were deliberate in cultivating and sharing a colorblind image of homelessness as a means to shift the public perception of homelessness and coalesce a broad range of stakeholders and decision-makers – namely white people – to empathize with the plight of unhoused communities and support policies aimed at alleviating homelessness. But the practical effects of this colorblind approach to ending homelessness are that [anti-Black racism continues to be ignored as a root cause of homelessness](#), and that Black people experiencing homelessness continue to be inadequately protected from housing discrimination, over-policing, criminalization of poverty, and other systemic forces that contribute to their overrepresentation in the total population of people experiencing homelessness.

The historic funding levels approved by the House Financial Services Committee in the Build Back Better Act [begin to recognize the unique and particular challenges of Black people](#) experiencing homelessness and housing instability as well as the role that anti-Black racism specifically has fueled homelessness among Black communities. For this reason, the Law Center joins with our fellow members of the [NCHJ](#) to urge Congress to maintain these investments in the country's affordable housing infrastructure, including \$90 billion to expand rental assistance to 1 million more households, \$80 billion to preserve public housing for more than 2.5 million residents, and \$37 billion for the national Housing Trust Fund to build, preserve and rehabilitate 330,000 apartments affordable to the lowest-income people.

In addition to being a housing issue, ensuring affordable housing is also a criminal, and racial, justice issue, because people experiencing homelessness face unjust criminalization of basic human activities such as sleeping, resting, self-sheltering, and asking for help, which only worsens the crisis. The Law Center has found that communities [increased these punitive ordinances](#) by double- and triple-number percentages from 2006 to 2019. The widespread criminalization of homelessness disproportionately impacts communities of color; this is true both in terms of who is most likely to experience homelessness and the extent and severity to which individuals are punished under anti-homeless laws. A leading report out of California illustrates that [unhoused Black and Latinx people are 9.7 and 5.7 times more likely to be cited](#)

under these laws than white people who engaged in the same activities. This criminalization does not help break the cycle of poverty. Instead, these policies perpetuate the crisis of homelessness and poverty by further burdening homeless families and individuals with fines, fees and jail time, and the collateral consequences of a criminal record, and communities with expensive law enforcement costs. Studies show that providing housing actually costs one-half to one-third of constantly cycling homeless persons through the criminal justice system and emergency rooms. Instead of looking to punish those taking care of their basic survival needs, we must instead focus on a housing-first solution that ensures a stable living environment for those experiencing homelessness. The Build Back Better Act can fund those solutions for many.

Conclusion

The housing provisions of the Build Back Better Act are only a down payment on President Biden's commitment to ensure safe, decent, affordable housing is a human right for every American, but they are an essential first step. Mass homelessness and its criminalization, disparately impacting Black, Indigenous, and other people of color, is the predictable result of the housing policies of the past 40 years. If this country is to Build Back Better, it cannot miss this opportunity to start with targeted investments directed toward repairing our broken social housing infrastructure and helping those already on the streets.

The Law Center applauds the leadership of Chairwoman Waters in supporting the House-passed version of the Build Back Better Act, as well as in introducing the Housing Is Infrastructure Act and Ending Homelessness Act. The Law Center supports this legislation and stands ready to work with Chairwoman Waters and the Committee to secure its passage as critical steps towards ending and preventing homelessness in America.