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Mayor Jared Kraham jmkraham@cityofbinghamton.gov
Via email

Re: Support Unhoused Status Amendment to Human Rights Law

Dear Mayor Kraham and Councilors,

I write on behalf of the National Homelessness Law Center (“Law Center”) to urge you to **support the proposed amendment to the Binghamton Human Rights Law, Ch. 45 of the City Code**, which would affirm its unhoused citizen’s right to be free from discrimination in employment, housing, public accommodations, and education. Our choices define our community, and this Council has an important one to make. No matter your race or background, people don’t choose to be homeless. Discriminating against and punishing unhoused people isn’t the answer, and just puts more barriers in the way of efforts to end homelessness. Enshrining these protections in law is an important first step that will provide floor to build on so that then we can work to make sure everyone has a place to call home, so no one needs to live in public spaces in the first place.

Lack of affordable housing causes homelessness. This bill recognizes the [true cause of homelessness](#), lack of affordable housing. [Close to half of all Binghamton renters are rent-burdened](#), meaning they are paying more than they can afford in rent every month. Under the bill, one of those hardworking residents, or an elder on fixed income, who loses their housing because their rent is too high and there is nowhere else for them to rent, would be protected against discrimination simply because they lost their fixed address. This approach recognizes the structural housing crisis causing homelessness and protects its victims from further harm, facilitating their ability to more quickly get back into housing.

The Law Center works to solve homelessness. The Law Center is a national legal advocacy organization dedicated solely to solving homelessness. We have over 30 years of experience in policy advocacy, public education, and impact litigation. In 2014 we published [From Wrongs to Rights: The Case for Homeless Bill of Rights Legislation](#), collecting and analyzing Homeless Bill of Rights legislation in three states and Puerto Rico. We have also helped support the [Right to Rest Act](#) legislation introduced in at least four other states.

The Law Center has documented the failures and costs of criminalization of homelessness in more than 180 cities across the United States. *See, e.g.*, [Housing Not Handcuffs 2019: Ending the Criminalization of Homelessness in U.S. Cities](#) (2019) and [Housing Not Handcuffs 2021: State Law Supplement](#) (2021). We have also published best practices, model policies, and case studies on how to address homelessness constructively. *See, e.g.*, [Tent City, USA: The Growth of America’s Homeless Encampments, and How Communities are Responding](#) (2017).

The proposed amendment is consistent with the latitude cities have in addressing homelessness recently affirmed by the Supreme Court. The Law Center helped to organize more than 40 [amicus briefs](#) signed by more than 1100 individuals and organizations, including Councilmember Hotchkiss and Binghamton School Board member Korin Kirk, in the [Johnson v. Grants Pass](#) case before the Supreme Court this past term. Although the Court ultimately declined to recognize the applicability of the 8th Amendment to the cruel and unusual punishments imposed on homeless persons forced to sleep and shelter themselves in public spaces, the majority opinion emphasized that communities “have the latitude to experiment and find effective responses.” [Grants Pass v. Johnson](#), 603 U. S. ____ (2024), slip. op. at 10. The Court further noted that “...nothing in today’s decision prevents States, cities, and counties from going a step further and declining to criminalize public camping altogether. For its part, the Constitution provides many additional limits on state prosecutorial power, promising fair notice of the laws and equal treatment under them, forbidding selective prosecutions, and much more besides. All this represents only a small sample of the legion protections our society affords a presumptively free individual from a criminal conviction.” *Ibid.* at 24. All this affirms that while the Court did not put a constitutional floor on communities criminalizing homelessness, they actively acknowledged their decision is not a ceiling on communities taking constructive approaches, like Binghamton’s proposed amendment, that recognize additional rights for people experiencing homelessness.

The proposed amendment recognizes the threat of discrimination faced by Binghamton’s unhoused residents. Because people experiencing homelessness have heightened risks of serious illness, hospitalization, and early morbidity compared with the general population, they are especially vulnerable to [serious harms flowing from loss of their shelters and other property](#). For many unsheltered homeless people, [property loss is “the greatest threat” to their survival](#). Makeshift housing, like tents, offer protection, however rudimentary, from outdoor elements and allows the homeless citizens to seek shelter in locations where they feel most safe (relatively speaking). The destruction and removal of their belongings exposes already vulnerable individuals to increased risk of serious physical harm.¹ By providing for a reasonable expectation of privacy in homeless persons’ belongings and residence, as well as protection from discrimination by healthcare providers, the bill helps ensure a healthier, safer Binghamton for all its residents.

This bill helps recognize intersecting forms of discrimination. Homelessness disproportionately impacts [persons of color, the LGBTQ+ community](#), and persons with disabilities. For example, [Black Americans](#) represent 40% of people experiencing

¹ *See* [Jeremiah v. Sutter Cty.](#), No. 2:18-cv-00522-TLN-KJN, 2018 WL 1367541, at *4, *12 (E.D. Cal. Mar. 16, 2018) (“[T]he Court finds that Sutter County would knowingly place the homeless at increased risk of harm if it confiscates and seizes Plaintiffs’ shelters and possessions”).

homelessness nationally, despite constituting less than 13% of the overall population. Moreover, laws criminalizing homelessness are inequitably enforced. [Unhoused Black and Latinx people are 9.7 and 5.7 times more likely](#) to be cited under laws criminalizing homelessness than white people. The fastest growing subset of people experiencing homelessness are [seniors](#). Recognizing the multiple grounds upon which people can be marginalized and affirmatively protecting them under the law is a strong step to remedy this.

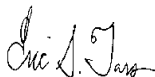
The only way to permanently end homeless encampments is to end the need for encampments. For example, while Milwaukee County’s housing first initiative costs \$2 million annually, it reduces annual Medicare costs by \$2.1 million, mental health costs to the county by \$715,000, and legal system costs by \$600,000—[a net savings to Milwaukee County of \\$1.4 million annually](#). Through this approach, Milwaukee has reduced its homeless population by 70 percent, down to [only 17 unsheltered persons](#) at the last count. A [2017 study](#) concluded that given “striking cost discrepancies and savings,” it is “fiscally irresponsible, as well as inhumane” not to provide permanent housing for people experiencing homelessness. While the proposed amendments do not create housing on their own, they help reduce immediate harm to unhoused persons while permanent housing solutions can be developed.

Conclusion

Given the lack of affordable housing, communities need sensible and cost-effective strategies to solve homelessness. The best, most cost-effective and permanent strategy is to ensure that all who are unsheltered have access to a safe place to live. In the meantime, the best first step is for Binghamton to at a minimum ensure that those who are currently unhoused have protections against further harms from discrimination that will make it harder for them to exit homelessness. We urge you to pass the amendments to the Human Rights Act adding unhoused status to its protections.

Please contact me at etars@homelesslaw.com to further discuss this bill or related issues.

Sincerely,



Eric S. Tars
Senior Policy Director
National Homelessness Law Center