

# Criminalization or job creation?

How to address Salt Lake City's homelessness crisis



a report prepared by Crossroads Urban Center  
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# Facts about panhandlers in Salt Lake City

During the months of December and January Crossroads Urban Center interviewed 22 people who had panhandled in Salt Lake City during the past month. Our purpose for conducting this survey was to learn more about who is panhandling in Salt Lake City and to provide that information to members of the Salt Lake City Council who are being asked by Mayor Becker to pass an ordinance limiting panhandling. Key facts we learned during our survey include:

**1. The vast majority of panhandlers in Salt Lake City are homeless:** 55 percent of the panhandlers we spoke with were living in the shelter and 45 percent were sleeping outside or in a tent. Only nine percent reported having a place to live of their own.

**2. Most panhandlers in Salt Lake City are actively looking for work:** 36 percent of the people we spoke with had looked for work that day, another 23 percent had not looked for work that day but had looked for work during the past two weeks, and an additional five percent had not looked for work during the past two weeks but had looked for work that month.

**3. Most panhandlers have significant barriers to finding lasting employment:** a) For 45 percent of the people we interviewed, their last job had either been day labor or through a temp agency, and b) 68 percent of the people we interviewed reported having a disability that made it difficult for them to perform work they could perform when younger.

**4. Many people are already receiving tickets while panhandling in Salt Lake City:** 45 percent of the people we interviewed had received a ticket while panhandling. Several people told us specific stories about being ticketed in Salt Lake City.

**5. Most panhandlers would rather work for minimum wage than panhandle:** 86 percent of the people we interviewed stated that they would prefer to work at a minimum wage job instead of panhandle. 41 percent of the people we interviewed reported earning less than \$5 per hour when panhandling.

**6. Food is the most common thing purchased with money obtained by panhandlers:** 86 percent reported spending money on food, 59 percent on transportation, 55 percent on laundry, 36 percent on housing and 27 percent reported spending money obtained panhandling on medication and other healthcare.



## **Background:** *More low income people without more low income housing*

In December, 2007, the national economy fell into the deepest recession in several decades. This recession has significantly increased the number of unemployed and low income people in Utah. In December of 2007 the unemployment rate in Utah was 2.9 percent and 53,169 Utah households were participating in the Food Stamp Program. By December of 2009 the unemployment rate in Utah had more than doubled to 6.7 percent. In January, 2010, the number of Utah households participating in the Food Stamp Program had increased to 97,525.

With more people unemployed and slipping into poverty demand for low income housing has increased. Unfortunately, the stock of low income housing available has not increased. In fact, in May of 2009 the Salt Lake City Housing Authority closed its waiting list for Section 8 Housing vouchers because it was taking more than three years to serve the people already on the list. There are currently 8,401 people on the waiting list for public housing or a voucher at the Housing Authority of Salt Lake City. At the Housing Authority of Salt Lake County, 13,496 people are on the waiting list for public housing or for a housing voucher.

Whether or not a household is able to obtain a voucher or housing assistance, the market for low income apartment units is very tight. The National Low Income Housing Coalition estimates that the fair market rent for a two bedroom apartment in Salt Lake City in 2009 was \$802 per month and that 41 percent of renters in the Salt Lake City area do not earn enough money to realistically afford that price. This means competition for apartments that are affordable to low income people is much more fierce than competition for more expensive apartments.



Evidence for this difference can be seen in the difference between the number of vacancies in the Salt Lake City area's average apartment, and the number of vacancies in the apartments in which the owners are receiving tax credits for making some of the units affordable. The vacancy rate for all apartments is 7.8 percent. The vacancy rate in buildings in which at least some of the units are affordable is 4.8 percent.

The combination of increased need for low income housing and a very tight market for low income housing has led to large increases in the number of people who are homeless in Salt Lake City and County. The number of people who have requested service at the Road Home, Salt Lake County's homeless shelter, has increased by 29 percent during the past two years. There are not statistics available on how many individuals and families in the Salt Lake have "doubled up" into apartments and houses meant for single families but that has certainly increased dramatically as well.

## General Assistance Program cuts are adding to the problem

Utah's General Assistance Program provides \$261 per month to people with no income or assets that a doctor has determined are unable to work. Most people participating in the General Assistance Program are eventually approved for federal disability benefits. On August 1, 2009 the rules for Utah's General Assistance Program were changed. These changes led to 478 people being cut off this program. Due to budget difficulties, the Department of Workforce Services stopped accepting applications for the General Assistance Program on January 1, 2010. Since the Department was approving about 100 new cases each month closing the program has meant that approximately 600 people will be denied participation in this program before the end of the current fiscal year on June 30, 2010.

Taken together, these cuts and denials mean that over 1,000 people will not receive help from the General Assistance Program. About 60 percent of the people participating in the General Assistance Program will be approved for federal disability benefits. The process of applying for federal disability benefits is very complicated. The application is 23 pages long and the average successful application takes 24 months to be fully processed. Thanks to extensive help with the complex process of applying for federal disability benefits, people participating in the General Assistance Program get their applications approved in about four months-- 20 months faster than if they had managed to complete the process on their own.

If 60 percent of the 1078 people who were eliminated from the General Assistance Program during the current fiscal year would have been approved for federal disability benefits, then 646 people would have been connected with an ongoing revenue stream. Qualifying for federal disability benefits also

makes them eligible for Medicaid and some forms of housing assistance. The combination of a stable source of income, access to healthcare through Medicaid and stable housing make it much less likely that those 646 people would become homeless.

The United States Department of Housing and Urban Development classifies people as "chronically homeless" if they are an unaccompanied adult with a disabling condition who has been homeless continuously for one year or experienced homeless four times in a three year period. It is difficult to estimate what percentage of the people cut from the General Assistance Program are likely to become chronically homeless but is likely that many will.

People participating in the General Assistance Program are approved for federal disability benefits about 20 months faster than people applying without the help of that program. This means that people cut from the General Assistance Program are likely to spend up to extra 20 months being homeless or at severe risk of becoming homeless. According to Utah's Department of Community and Culture, allowing people to become chronically homeless costs state and local government about \$20,000 in additional police, shelter and other costs. This means that if 50 people cut from the General Assistance Program become chronically homeless then state and local government will spend at least \$1 million per year while those people wait for their federal disability application to be approved.

Some of these people will die. Lack of shelter combined with limited access to healthcare take a serious toll on the health of the homeless. In 2007 the Salt Lake Police Department presented Utah's Department of Community and Culture with data on the 39 homeless people who came into the most frequent contact with police officers and fire fighters between 2002 and 2006. Of these 39 people, seven died during those five years. According to the Fourth Street Clinic, 58 homeless people died on the streets of Utah in 2009.

## **Criminalization of the homeless nationally and in Salt Lake City**

One approach to dealing with homelessness is to essentially make being homeless illegal. Local and state government make homelessness illegal when they: a) outlaw activities that only the homeless engage in, b) exclusively enforce certain offenses against the homeless or people who appear to be homeless, or c) conduct sweeps through specific parts of town to enforce laws that are normally not enforced. According to the National Coalition for the Homeless, criminalizing homelessness is a growing trend with a growing price tag. Los Angeles, for example, spent \$6 million dollars in 2007 on an initiative to police homeless people living in that City. This initiative cost more than the total amount of money that Los Angeles spent on providing services to the homeless that year.

Criminalization efforts in Salt Lake City are also extremely expensive. Every day the Salt Lake City Police Department gives homeless people tickets for offenses ranging from sleeping in a park to panhandling to trespassing (walking) across a parking lot on foot. Some of these tickets lead to arrest and time in jail. All of these tickets lead to administrative costs for the courts and city or county prosecutors. According to data presented to Utah's Department of Community and Culture by the Salt Lake City Police Department, each year between 2002 and 2006, the tickets for just 39 homeless people cost: a) \$135,562 police costs for arrests, b) \$64,920 for bookings at the jail, and c) \$234,047 in costs for housing people in jail. That means local government spent over \$11,000 per year per homeless person enforcing laws that criminalize homeless-- not counting costs for prosecutors, public defenders, judges and court staff.

### **Legal issues with criminalization**

During recent years numerous lawsuits have been filed in state and federal courts challenging laws that criminalize homelessness or that are enforced in ways that target the homeless. Specific issues that have been raised in these lawsuits include:

- 1) Whether laws limiting panhandling are in violation of First Amendment protections of free speech,
- 2) Whether laws prohibiting sleeping on public property violate the Eight Amendment's prohibition against cruel and unusual punishment,
- 3) Whether laws prohibiting loitering or vagrancy violate the Due Process clause of the Fourteenth Amendment, and
- 4) Whether a police practice of seizing and destroying the possessions of the homeless violate the Fourth Amendment right to be free from unreasonable searches and seizures.

These cases are not from Utah, 10th Circuit Court of Appeals, or the Supreme Court (many were settled out of court) and so these issues have not been resolved in our courts. Regardless of how one may believe Utah courts would address these issues, the fact that they are being brought before courts in other jurisdictions highlights severe problems with criminalizing homelessness. When we ignore the civil rights of the homeless we are treating them as less than human.

## Criminalization and human rights

Salt Lake City has made a very public commitment to promoting human rights and international human rights laws. Salt Lake City has a Human Rights Commission. The Mayor's Office of Salt Lake City has an Office of Diversity and Human Rights. This Office sponsors events and activities to educate the public about the human rights and human rights laws. Arresting people for not having housing undermines this commitment to human rights.

Article 25 (1) of the Universal Declaration of Human Rights clearly names a specific right for everyone to adequate housing:

Everyone has the right to a standard living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Other international human rights agreements reinforce the status of adequate housing as a basic human right. Criminalizing homelessness penalizes people for the fact that this basic human right has been denied to them. This

penalization is a further violation of their human rights and unfairly stigmatizes victims.

Stigmatizing people because their human right to housing has been denied may encourage hate crimes against the homeless. When state and local government pass laws that make the homeless into "criminals" they create a climate in which members of the public feel justified in "punishing" people for not having homes. The National Coalition for the Homeless reports that 106 homeless people were victims of violent attacks in 2008. Twenty-seven of those people died because of those attacks.

Our survey of panhandlers in Salt Lake City suggests that criminalization and stigmatization of the homeless do lead to fear and anxiety about physical well being. Several of the people we interviewed in our panhandling survey talked about feeling frightened when panhandling--especially when they were by themselves. This was especially true for female panhandlers.



## Jobs programs as an alternative to criminalization

Some homeless people have serious physical and/or mental disabilities. For these people, assistance obtaining federal disability benefits, like that received through the General Assistance Program, is the best help they can get. Some homeless people have serious substance abuse issues that require treatment that is not available. However, many homeless people are either working or actively seeking work. Unfortunately, many of them have barriers that make it difficult for them to find lasting employment. Being homeless is itself a significant barrier to employment. That is why many cities are now developing job programs for the homeless.

Our survey suggests that many people in Salt Lake City who are currently panhandling would be happy to work instead if they had the choice. 86 percent of the people we interviewed stated that they would rather work a full time or part time job at minimum wage than panhandle. When asked if they would participate in a program requiring them to work for at least two hours at the federal minimum wage of \$7.25, the vast majority, again 86 percent, said they would participate in that program instead of panhandling.

### Job program options for Salt Lake City

Salt Lake City is considering the creation of a special assessment district to beautify the downtown area. It is our recommendation that part of the funds from this new tax be used to create a jobs program to give homeless people who are able to work a dignified alternative to panhandling. Examples of jobs programs that are in place in other cities include:

- 1) Work teams like those in Palo Alto, California and Daytona Beach, Florida:** These teams hire homeless people to help clean city streets. People who participate in teams for a certain time period are either promoted to supervisory position in the team or placed with a job at a local employer.
- 2) Jobs partnerships with local employers like those being formed in Austin, Texas:** Last year Austin launched a program to provide a wage subsidy to employers willing to hire recently homeless individuals living in transitional housing. Workers in this program are also provided with training and education necessary to make them qualified to continue working with the employer when the wage subsidy ends.
- 3) Transitional jobs programs to help people get the skills they need to be ready for a good job:** Transitional jobs programs have been used in dozens of cities around the country to help low income city residents obtain jobs that they would not otherwise be qualified for. Some of the most innovative of these programs combine work with on-the-job education to help workers obtain a GED and/or a certificate necessary to obtain permanent employment in an industry.

# References

1. Information about unemployment and participation in the Food Stamp Program come from unpublished data provided by Utah's Department of Workforce Service
2. Information about the waiting list for services at the Housing Authority of Salt Lake City and Salt Lake County come from unpublished data provided by those agencies.
3. Information about the fair market rent in Salt Lake City comes from the National Low Income Housing Coalition's 2009 report, *Out of Reach*.
4. Information about the vacancy rates for Salt Lake City apartment complexes qualifying for federal tax credits comes from a paper written by Rob Collinson and Ben Winter for the United States Department of Housing and Urban Development: *U.S. Rental Housing Characteristics: Supply, Vacancy, and Affordability*.
5. Information about vacancy rates for Salt Lake City apartments come from data on the website of Apartment Realty Advisors.
6. Information about the demand for services at the Road Home comes from unpublished data provided by that agency.
7. Information about cuts to the General Assistance Program come from two fact sheets prepared by the Community Action Partnership of Utah: *General Assistance*, and *The Societal Costs of Cutting General Assistance*.
8. Information about criminalization around the country comes from a report released by the National Coalition for the Homeless in 2009: *Homes Not Handcuffs: The Criminalization of Homelessness in U.S. Cities*.
9. Information about the societal costs of allowing some people in Utah to become chronically homeless come from unpublished data from the Utah Department of Community and Culture.
10. The text of the Universal Declaration of Human Rights can be found at:  
[www.un.org/en/documents/udhr/](http://www.un.org/en/documents/udhr/)
11. More information about housing as a human right go to:  
[www.nlchp.org/view\\_report.cfm?id=226](http://www.nlchp.org/view_report.cfm?id=226)
12. Information about hate crimes committed against the homeless comes from the National Coalition for the Homeless's 2008 report: *Hate Death and Violence on Main Street USA*.
13. For more information about jobs programs in other cities please go to:  
[www.streetsteam.com](http://www.streetsteam.com) and [www.nlc.org/IYEF/fes/jobs/](http://www.nlc.org/IYEF/fes/jobs/)