

Right 2 Survive FAQ

Question: What is the overall problem this legislation is trying to solve?

Response: The prevalence of homelessness in the 21st century's economic and political system has not only led to violations of internationally recognized human rights; it also threatens the public health of entire communities. The Right to Survive Initiative seeks to protect the basic human rights of people to rest by outlawing municipal laws that criminalize homelessness and the survival acts of resting and sharing food in public. This will shift focus to addressing the true root causes of homelessness and its consequences on families, communities, and society.

Question: Don't homeless people need services, so isn't it important that we have camping bans and other such laws to give police a tool to connect people with those services?

Response: While it is true that many people who are homeless need services, including mental and physical health care, drug and alcohol rehabilitation assistance, shelter, and the like, these services do not address the basic need and right to be in public spaces. Efforts to connect homeless people with services through laws against being in public do not work. For those who need these services, such services are so severely limited that many people do not have the option to access them--and thus being told to "move along" out of public spaces into these services is often not possible. Furthermore, many people do not need any of these services, what they need is attainable housing. Trying to force them into these services is counterproductive a violation of their rights and freedoms. Using camping bans—and other such laws criminalizing necessary life-sustaining acts—as a "tool" to connect people with services is wrong and unnecessary. If the goal is to help connect those needing mental health or other such services with those resources, this could be better done by hiring social workers to connect with people on the streets and by investing in providing the needed services so those needing them have an option to receive them.

Question: Isn't housing the solution to homelessness? If we just focus on housing we won't need to worry about homeless people being criminalized.

Response: We agree that the solution to homelessness is permanent housing, and that our entire society must work together to ensure that truly attainable housing is available to all who need it. But this solution is not being executed at a rate to met the need, nor unfortunately does it seem to be "just around the corner." Meanwhile, people who lack housing and must therefore conduct their survival activities in public space are being treated as criminals for this activity. Such criminalization is unconstitutional, immoral, counterproductive, and just plain wrong. Law protecting this human right is needed to protect people's right to survive in public space, even while we work to create the public will to provide affordable housing opportunities to all who

need it. There is every reason why we must work to correct both wrongs--the criminalization of homelessness and the lack of affordable housing for all--at the same time.

Question: The people who sleep outside do so by choice. If you make it legal, won't more and more people do it?

Response: Most people who sleep outside would move indoors if "choices" that were appropriate for their needs, like housing, were available to them. Many people are afraid of sleeping outside and choose to sleep in shelters whenever possible. Others sleep outside rather than in a shelter because there are not nearly enough shelter spaces for all who need them, and shelter is not a permanent solution for homeless. Many people with mental health conditions are unable to tolerate shelters. There's a lack of shelter spaces for couples, LGBTQ individuals, families, young people, people with disabilities, and people with pets. Many are fearful of the bugs, violence, theft, and unsanitary conditions which they often associate with shelters. Many who have jobs cannot stay at shelters because shelters have strict check in times that conflict with their work schedules.

As Denver Homeless Out Loud's 2013 report on the effects of the Urban Camping Ban revealed, making outdoor "camping" illegal did not stop people from doing it. It just pushed them away from safer, more accessible, better lit areas into more hidden, less lit and therefore more dangerous areas--which also made it harder for outreach workers to engage with them.

The way to reduce the number of people who are sleeping and living outside is not to criminalize their efforts to exist in public space, but rather to make appropriate housing available. One reason we do not have adequate housing and services to meet the needs of homeless Coloradans is because of the high priority municipalities have placed on law enforcement activities against homeless people. If the money spent on the enforcement of anti-homeless laws (including policing, court processing, and incarceration) were instead spent on permanent affordable housing, we could create real housing options for people experiencing homelessness.

Question: But aren't most homeless people dirty? Don't they make our downtown areas look gross and push visitors away?

Response: The way to keep homeless people from looking dirty is not by criminalizing their existence, but by providing appropriate restrooms, showers, storage facilities, day centers, and ESPECIALLY--HOUSING! Homeless people do not WANT to be dirty.

Question: If we allow people to rest in public won't they leave trash everywhere?

Response: This bill does not give people the right to leave trash about. Laws against littering would still exist. This bill only allows people to rest in a non-obstructive manner - not break other laws like littering. Furthermore, in order to address trash in public spaces adequate trash containers and trash servicing is needed. This bill would enable city money to be redirected to these needs.

Question: Don't we need laws to keep homeless people from hanging out and sleeping downtown and in neighborhoods in order to keep crime down?

Response: There is no statistical evidence to support stereotypes about a relationship between homelessness and real crime, like assaults or burglary. The idea that homeless people are criminals is nothing but a myth that has been perpetuated to make others afraid of homeless people and willing to support draconian measures against them--such as passing bans on sleeping outside and spending millions of dollars on policing their activities and "moving them along"--money that should be spent on needed services and on combating REAL crime. The real problem is crime and violence experienced by homeless people--especially the many elders, youth, women, and disabled among the community--whose need to survive outside makes them so vulnerable to violence.

The National Coalition for the Homeless' 2013 report, *Vulnerable to Hate: A Survey of Hate Crimes and Violence Committed Against Homeless People* documented 1,437 acts of violence against homeless people committed by housed perpetrators between 1999 and 2013--including murders, rapes, beatings and mutilations. By criminalizing homelessness instead of dealing with its root causes, our local governments are forcing homeless people into more hidden, and therefore less secure, areas--where the risk of being attacked is increased. And criminalizing homelessness instead of providing appropriate solutions sends the public the message that "homeless lives don't matter"--they're fair game.

Question: If we can't have park curfew laws, camping bans, and "no loitering" ordinances, won't homeless people take over the parks, causing other people to stay away?

Response: Please remember that housed people have houses in which to sleep, rest and socialize. They also, to varying degrees, have a greater ability to go to coffee shops, restaurants, movies, plays and clubs to socialize and be entertained. Unhoused people, on the other hand, have shelters (if they can get in and tolerate the environment), a few overcrowded day centers in which they are segregated from everyone else, and public spaces, such as libraries, downtown areas, and parks. If homeless people tend to dominate certain parks, it is only because they have nowhere else to go and have a perfect right to be there. Anyone, housed or unhoused, who violates any law or legitimate rule that does not violate our human rights, is subject to being removed and/or prosecuted. There is no reason why other people

should “stay away” from public spaces in which homeless people congregate. If public officials and the media didn’t perpetuate the myth of homeless people as criminals, others would probably not be as scared to be near them, and people would come to know, understand and appreciate each other.

It is also important to remember that there are currently laws making sleeping with cover, sitting in certain areas, or the like illegal, and nonetheless thousands of homeless people currently are spending their days and nights in public spaces like parks. This activity is not a choice so that will not change with the passing of the Right to Survive. What will change with the passing of the Right to Survive is that homeless people will not be harassed by police, continually told to move along from one place to another, moved to more hidden far off less safe places, and left in the cold without needed protection from the elements.

Question: But won’t citing homeless people at least motivate them to move out of a certain neighborhood, or maybe move indoors?

Response: No. As local police precincts race to respond to complaints about homeless people in their areas, most homeless people have nowhere else to go, so they are forced to remain in public space. As citations for “quality of life” activities add up, so do fines that are impossible to pay. When homeless people are arrested and even incarcerated just for being too poor to pay for these tickets, they acquire a criminal record that creates barriers to housing and employment. The criminalization of homelessness not only violates homeless people’s human rights, but also perpetuates and deepens their poverty by creating legal barriers to exiting homelessness.

Question: Why would I want people sleeping in their cars and trucks to park outside of my house?

Response: What makes someone sleeping in their vehicle by your home--because they have nowhere else TO sleep--more threatening to you and the neighborhood than someone sleeping in their home next door? Get to know the people. You will likely find that there is nothing to be worried about, and even that they make the neighborhood safer by protecting your house from burglary and deterring other crime. 6-10% of students at the Auraria colleges are homeless and many sleep in their cars for safety.

Question: What do you mean by the right to share food? Don’t we feed homeless people enough already?

Response: It's not a matter of feeding them "enough." There are laws across the country criminalizing the act of simply sharing food with anybody in public. This Act will prevent laws like that from being passed in Colorado.

In many cases food-sharing programs are the only occasion in which some homeless individuals will have access to healthy, safe food. The 2013 Hunger and Homelessness Survey, conducted by the United States Conferences of Mayors, found that:

- 83% (19 of 25) of cities surveyed in 2013 reported an increase in the number of emergency food requests from the previous year.
- 91% reported an increase in persons requesting food assistance for the first time.
- 80% reported an increase in frequency of visits to food pantries and emergency kitchens each month.

The need for food assistance is growing in our communities and we must ensure that those who wish to share food with those in need can continue to do so in public space.

Question: So if this law passes homeless people can just start sleeping in my doorway?

Response: No, they cannot block doorways. The bill states clearly that people can "rest in public spaces and protect oneself from the elements, *in a non-obstructive manner.*" Current laws prohibiting obstruction of a passageway would still be in effect.

Question: Will passage of this bill mean that city crews will no longer be able to clean up public areas?

Response: No. Laws against littering and obstructing a right-of-way would still be in place, so cleanup crews could still do their job. It just means that cleanup crews will not be allowed to simply throw away possessions of value to people--like backpacks, sleeping bags, and blankets when those possessions are on public property and are not obstructing a right-of-way. This is in accordance with the constitutional 4th amendment right against unreasonable searches and seizures.

Question: How will cities deal with people's bad behavior in public places if this bill passes?

Response: The Right to Survive Initiative would not affect localities' ability to enforce laws against such things as assault, harassment, or blocking passageways. It would only end the practice of arresting or citing people for the simple acts of resting or sharing food in public--acts of SURVIVAL.