



Public Health Law

Office for State, Tribal, Local and Territorial Support
Centers for Disease Control and Prevention

Homelessness as a Public Health Law Issue: Selected Resources

On any given night, hundreds of thousands of people are homeless in the United States.¹ These people might be chronically homeless, have temporarily lost their shelter, be fleeing domestic violence, or facing any number of other issues.² Homelessness is closely connected to declines in physical and mental health; homeless persons experience high rates of health problems such as HIV infection, alcohol and drug abuse, mental illness, tuberculosis, and other conditions.³ Health problems among homeless persons result from various factors, such as barriers to care, lack of access to adequate food and protection, and limited resources and social services.⁴ As each of these factors have legal underpinnings, legal and policy interventions have often been used to attempt to address homelessness, although not always from a public health perspective.

The following resources describe homelessness as a public health concern, discuss the criminalization of homelessness in some jurisdictions, and give examples of legal and policy approaches to addressing homelessness.⁵

Homelessness and Public Health

These resources provide background information about homelessness as a public health issue.

- [Homelessness Is a Public Health Issue](#)
Shaun Donovan and Eric Shinseki, 103 AM. J. PUB. HEALTH (2013).
Article from the US Secretary of Housing and Urban Development and the US Secretary of Veterans Affairs discussing homelessness as a public health crisis.
- [Homelessness and Health: What's the Connection?](#)
NAT'L HEALTH CARE FOR THE HOMELESS COUNCIL (June 2011).
Fact sheet describing how poor health can lead to homelessness and how homelessness can cause health problems, and recommending the solution of permanent supportive housing.
- [Health and Homelessness](#)
AM. PSYCHOLOGICAL ASS'N.
Overview of the connection between physical and mental health and homelessness, with a focus on mental illness and homelessness.



Criminalization of Homelessness

Some cities have criminalized homelessness itself, as well as activities often related to homelessness, such as sleeping in public, begging in public, and camping in public.⁶ The following resources examine the criminalization of homelessness around the country.

- [Food-Sharing Restrictions: A New Method of Criminalizing Homelessness in American Cities](#)
Jordan Bailey, 23 GEO. J. ON POVERTY L. & POL'Y 273 (2016).
Analysis of prohibitions against sharing food with homeless individuals and recommendations for alternatives to criminalization.
- [Criminalization](#)
NAT'L COAL. FOR THE HOMELESS (2014).
Description of the kinds of ordinances that criminalize activities related to homelessness, discussion of the repercussions of such ordinances on homeless individuals, and recommendations for policy changes.
- [Share No More: The Criminalization of Efforts to Feed People in Need](#)
NAT'L COAL. FOR THE HOMELESS (Oct. 2014).
Overview of legislation that restricts individuals and groups from sharing food with homeless persons.
- [No Safe Place: The Criminalization of Homelessness in U.S. Cities](#)
NAT'L LAW CTR. ON HOMELESSNESS & POVERTY (2014).
Report on criminalization measures across the country, trends in criminalization of homelessness since 2009, comments on why those laws are ineffective, and alternatives.
- [Downward Spiral: Homelessness and Its Criminalization](#)
Maria Foscarinis, 14 YALE L. & POL'Y REV. 1 (1996).
Overview of homelessness in America, recent efforts to criminalize homelessness, court rulings challenging those efforts, and public policy concerns, and argument for proactive approach to criminalization in the courts.

Law and Policy Approaches to Addressing Homelessness

In recent years, advocacy organizations and government bodies have increasingly worked to decriminalize homelessness and to promote programs that provide multidisciplinary services, affordable housing, affordable healthcare, and other resources that can support homeless populations.⁷ The following resources give examples and recommendations from national and state level organizations and federal agencies of current efforts to both decriminalize homelessness and actively support homeless individuals.

- [Homelessness and the Public's Health – State and Local Responses](#)
PUB. HEALTH LAW CONFERENCE 2016 (Sept. 16, 2016).
Webinar describing state and local legal responses to homelessness as a public health issue, criminalization of activities related to homelessness, and use of emergency declarations in response to homelessness.

- [Fact Sheet: Housing First](#)
NAT'L ALLIANCE TO END HOMELESSNESS (Apr. 2016).
Fact sheet on the Housing First approach, which prioritizes providing permanent housing to homeless individuals, that has been used in sites across the country.
- [Evidence-Based Practices](#)
NEW HAMPSHIRE COALITION TO END HOMELESSNESS (2016).
Overview of evidence-based practices used in the field of homeless housing and services.
- [Ordinances Targeting the Homeless: Constitutional or Cost-Effective?](#)
Ellen M. Marks, 19 WASH. & LEE J. CIVIL RTS. & SOC. JUST. 437 (2013).
Discussion of solutions to the legal issues of homeless populations, including increasing housing for homeless persons and improving access to legal services.
- [Best Practices and Models](#)
TAMPA HILLSBOROUGH HOMELESS INITIATIVE (2013).
Information about best practices being implemented in the Tampa-Hillsborough County community of Florida, with a focus on permanent housing as the means to end homelessness.
- [Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness](#)
UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS (Mar. 2012).
Recommendations on alternatives to criminalization of homelessness, including creation of systems of care, collaboration with law enforcement and behavioral health/social service providers, and alternative justice system strategies.
- [The Boston Health Care for the Homeless Program: A Public Health Framework](#)
James J. O'Connell et al., 100 AM. J. PUB. HEALTH 1400 (2010).
Article about the Boston Health Care for the Homeless Program service model that provides multidisciplinary care to homeless individuals.
- [Preventing and Ending Homelessness—Next Steps](#)
Mary Cunningham, METRO. HOUSING & COMMUNITIES CTR. (February 2009).
Data and recommendations on several alternatives to criminalization of homelessness, including expanding Housing First programs, rapid rehousing, and improving emergency preparedness.
- [Discharges to the Streets: Hospitals and Homelessness](#)
Sidney Watson, 19 ST. LOUIS U. PUB. L. REV. 357 (2000).
Discussion of ways hospitals and detox programs can design discharge-planning programs to help break the cycle of homelessness and institutionalization.
- [Proven Solutions](#)
COAL. FOR THE HOMELESS.
Discussion of housing-based policies that have been pioneered in New York City, studied, and found to be effective in reducing homelessness while remaining cost-effective.

- [Lay of the Land: Current Housing Models and Services for Unaccompanied Homeless Youth](#)
Caryn Blitz, OFFICE OF THE COMM’R/ODARE ADMIN. ON CHILDREN YOUTH & FAMILIES.
Discussion of current housing support for homeless youth and recommendations on moving forward to decrease youth homelessness.
- [Continuum of Care \(CoC\) Program Law, Regulations, and Notices](#)
DEP’T OF HOUS. & URBAN DEV. EXCHANGE.
Overview of the authorizing laws, regulations, and notices for the Continuum of Care program designed by the US government to promote commitment to ending homelessness.

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This document was developed by Hillary Li, JD candidate at the University of North Carolina Chapel Hill School of Law and extern with the Public Health Law Program (PHLP) within CDC’s Office for State, Tribal, Local and Territorial Support. The author thanks Matthew Penn, JD, MLIS, Dawn Pepin, JD, MPH, and Aila Hoss, JD, for their editorial assistance.

For further technical assistance with this inventory, please contact phlawprogram@cdc.gov. PHLP provides technical assistance and public health law resources to advance the use of law as a public health tool. PHLP cannot provide legal advice on any issue and cannot represent any individual or entity in any matter. PHLP recommends seeking the advice of an attorney or other qualified professional with questions regarding the application of law to a specific circumstance. The findings and conclusions in this summary are those of the author and do not necessarily represent the official views of CDC.

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¹ GREEN DOORS, [General Homelessness Facts](#) (last visited Oct. 18, 2016). Homelessness statistics are often assessed on a “per night” basis because they assess where people sleep at night—on the streets, in shelters, etc. *See, e.g.*, CITY OF PORTLAND, [Homelessness Toolkit](#) (last visited Nov. 14, 2016).

² *Id.*

³ AM. PUBLIC HEALTH ASS’N, [Homelessness as a Public Health Problem](#) (last visited Oct. 18, 2016).

⁴ *Id.*

⁵ During October 1–17, 2016, PHLP used WestlawNext, a subscription-only legal research database, to conduct searches for legal publications and used Google to identify additional resources.

⁶ NAT’L LAW CTR. ON HOMELESSNESS & POVERTY, [No Safe Place: The Criminalization of Homelessness in US Cities](#) (last visited Oct. 18, 2016).

⁷ *See, e.g.*, NAT’L ALLIANCE TO END HOMELESSNESS, [Housing First](#) (last visited Oct. 18, 2016).