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# FIGHTING THE CORONAVIRUS & PROTECTING THE UNHOUSED:

Policies & Polling

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# EXECUTIVE SUMMARY

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On any given night in the United States, federal government data shows that over 500,000 people do not have a home, a count that dramatically underestimates the scope of the problem. The core problem has consistently been lack of access to affordable housing, brought on by bad policy and refusal to take common-sense, evidence-based approaches. The COVID-19 pandemic has brought this problem into focus, as neighborhood organizers take bold actions after governments refused to – like occupying vacant or unused homes – to provide the policy solution public health experts agree works best: housing the homeless.

Unhoused populations are always vulnerable to health risks and disease, a vulnerability now heightened by the coronavirus epidemic and the spread of COVID-19. People without homes more often come into contact with potentially infected surfaces and people, and those in emergency shelters must congregate in tight spaces and share facilities like showers and laundry. Shelters often have high-density, with people housed in bunk beds and cramped quarters. The prescribed “social distancing” is not an option for the unhoused, nor can they follow the Center for Disease Control and Prevention (CDC) guidelines to stay in one’s home. Without policies to protect the unhoused, they will remain at higher risk for contracting and transmitting COVID-19.

In Oakland, a group of mothers recently stopped waiting for policy change and occupied a vacant house, demanding that it be purchased by the Oakland Community Land Trust and made permanently affordable. After a public showdown with the sheriff’s department, two of the mothers

were arrested, but public pressure convinced the owner to negotiate with the land trust. Another group of mothers in Los Angeles are now residing in 12 vacant homes owned by the California Department of Transportation. It is unclear what the official response will be.

We asked voters about policies that would slow the spread of the coronavirus by protecting unhoused populations, and found significant bipartisan support:

- ▶ We found **strong and on some issues overwhelming bipartisan support** among likely voters for policies that would slow the spread of the coronavirus by providing temporary housing to the homeless and ending the criminalization of homelessness.
- ▶ Eighty-one percent of voters, including 79% of Republicans, support measures for the government to purchase or take control of unoccupied buildings and houses and use them to provide temporary housing for the homeless.
- ▶ **Seventy-four percent of voters, including 75% of Republicans, support a temporary ban on law enforcement clearing out homeless encampments** for the duration of the coronavirus emergency.
- ▶ Fifty-two percent of voters, including 51% of Republicans, support a moratorium on enforcing laws that prohibit unhoused people from sleeping outside or in their vehicles, and 71% of voters, including 73% of Republicans, support a temporary ban on towing vehicles in which people reside.

# INTRODUCTION: THE HOMELESSNESS CRISIS IN AMERICA

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There is a tight nexus between America's high rate of homelessness, incarceration, and chronic health conditions, including substance use disorders, mental health issues, stress, and trauma. People who have been incarcerated are ten times more likely to be unhoused. Homelessness is also more likely among women and people of color who have been incarcerated.

The correlation between contact with the criminal legal system and high rates of homelessness is driven by several factors. First, people who have been incarcerated are not a protected class under the Fair Housing Act (FHA). The FHA explicitly states that it is legal to discriminate against individuals who have been convicted of drug distribution, and the Department of Housing and Urban Development (HUD) has clarified that blanket bans on individuals with arrest or conviction records violate the FHA because, given the racial disparities of mass incarceration, they have a discriminatory effect on Black and Latino housing applicants. But housing providers may still use a criminal background check when deciding whether to approve or deny a housing application.

In addition, families may be separated due to incarceration, leaving youth without a guardian in the community. Indeed, family courts often find that being unhoused or suffering from drug addiction are legitimate reasons for family separation. Youths experiencing homelessness are vulnerable whether part of an unhoused family or unaccompanied. They may be forced into foster care only to then experience prolonged bouts of homelessness as adults.

Many people get trapped in a cycle of homelessness and incarceration. Living on the street without housing, whether due to a criminal record or any other reason, makes it more likely that a person will engage in survival activities that will expose them, or re-expose them, to the criminal legal system.

Recent years have seen rapid increase in homeless encampments, which are usually self-organized collections of people experiencing homelessness who have settled on a parcel of land. But most, if not all, jurisdictions have used punitive actions to discourage encampments from forming, including through frequent and regular “cleanings” that require people to move their possessions, and by building fences and other hostile architecture around parks and other public spaces.

In some jurisdictions, a combination of litigation and legislation have provided protections. The ACLU has sued municipalities over encampment policies, alleging violations of the Fourth Amendment's protections against unlawful searches and seizures. A recent suit against the City of Charleston, West Virginia, for example, led to a policy that requires 14 days notice, offer of alternative shelter, and contacting homeless service providers before an encampment clearance. A Washington statute allows for religious organizations to temporarily host encampments. Indianapolis recently passed an ordinance requiring an offer of alternative to residents before an encampment could be cleared.

Research shows that a housing-first approach is the most cost-effective response to homelessness, and housing advocates have pressed for housing without condition and, for those who need it, housing with wrap-around supportive services.



# THE IMPACT OF COVID-19 ON UNHOUSED POPULATIONS

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There are several reasons why people experiencing homelessness are at higher risk of COVID-19 infection. First, they come into contact with people and surfaces at especially high rates compared to people that are housed. Individuals living in emergency shelters rely on congregate-living facilities for services, like showers and laundry shared amongst a large group of people. Services for unhoused people are often underfunded with significant staff and supply shortfalls that make it harder to maintain sanitary conditions. These concerns animate CDC guidance to suspend homeless encampment sweeps, as staying outside may allow for more distance between individuals.

Second, people experiencing homelessness are at high-risk for other conditions. The experience of being unhoused is a risk factor for chronic stress conditions that weaken the immune system. People living in shelters are twice as likely to have a disability and, generally, people experiencing homelessness have higher rates of chronic illnesses, like HIV, diabetes and heart disease. These individuals may have a higher likelihood of mortality due to COVID-19 infection or morbidities that will last after the initial wave of diagnoses.

A recent study suggests people experiencing homelessness will have higher susceptibility to COVID-19 and that they will have a higher rate of hospitalization and need for access to critical care. The study found that shelters did not meet CDC and FEMA density standards to protect current shelter residents from transmitting the virus and

that more units would need to be made available for unsheltered individuals staying on the streets.

Third, unhoused populations are especially vulnerable to the overdose epidemic in the United States. They must deal with the criminalization of both drug use and homelessness, as well as an unregulated drug supply often made even more dangerous by police intervention. Unhoused people who use drugs often lack access to water and soap to comply with CDC recommendations to wash one's hands, and often rely on social contacts for resources and food; harm reduction practice tells drug users to use with another person. These everyday factors rooted in inadequate public health and housing services put people experiencing homelessness at heightened risk and in direct conflict with CDC recommendations.

It is essential to have supervised spaces where people can use and maintain a safe distance from each other. Regulations regarding the distribution of methadone and buprenorphine must be loosened; access to drugs like hydromorphone and prescription fentanyl must be expanded.

Finally, people who use drugs and those experiencing homelessness already face discrimination and oppression in healthcare settings. It is unclear whether everyone who is at-risk will be able to get tested for COVID-19 and treated for symptoms related to the illness.

COVID-19 has already killed one person experiencing homelessness in Santa Clara County. That death spurred the City of San Jose to install portable toilets, hand washing stations, and showers at 14 homeless encampments. In New York City, at least seven homeless individuals have tested positive for the coronavirus. Unemployment rates are rising, which may mean many more people will experience homelessness during the pandemic and after.

# MITIGATING THE IMPACT OF COVID-19: POLICIES & POLLING

For years advocates have demanded more housing and an end to the criminalization of homelessness, addiction, and mental health. Our polling shows that voters of both parties strongly support both.

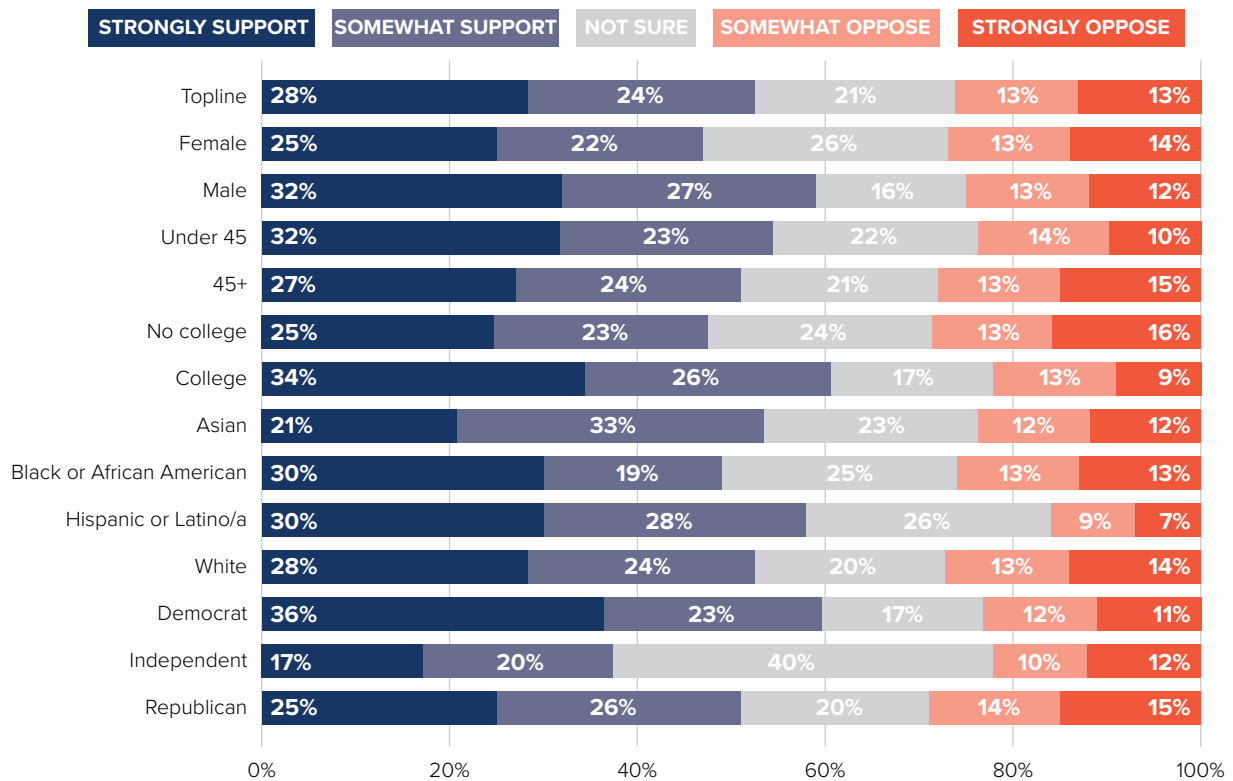
The CDC has strongly urged individuals to stay in their homes to slow the spread of the coronavirus.

Without a home, people are at greater risk of contracting the coronavirus and transferring the virus to others. Protecting the unhoused, in other words, also means protecting the broader public. Our polling shows overwhelming, bipartisan support for this strategy.

Voters also strongly support ending the criminalization of homelessness, and allowing people to sleep outside and in their vehicles without fear of arrest, as a strategy to slow the spread of the coronavirus.

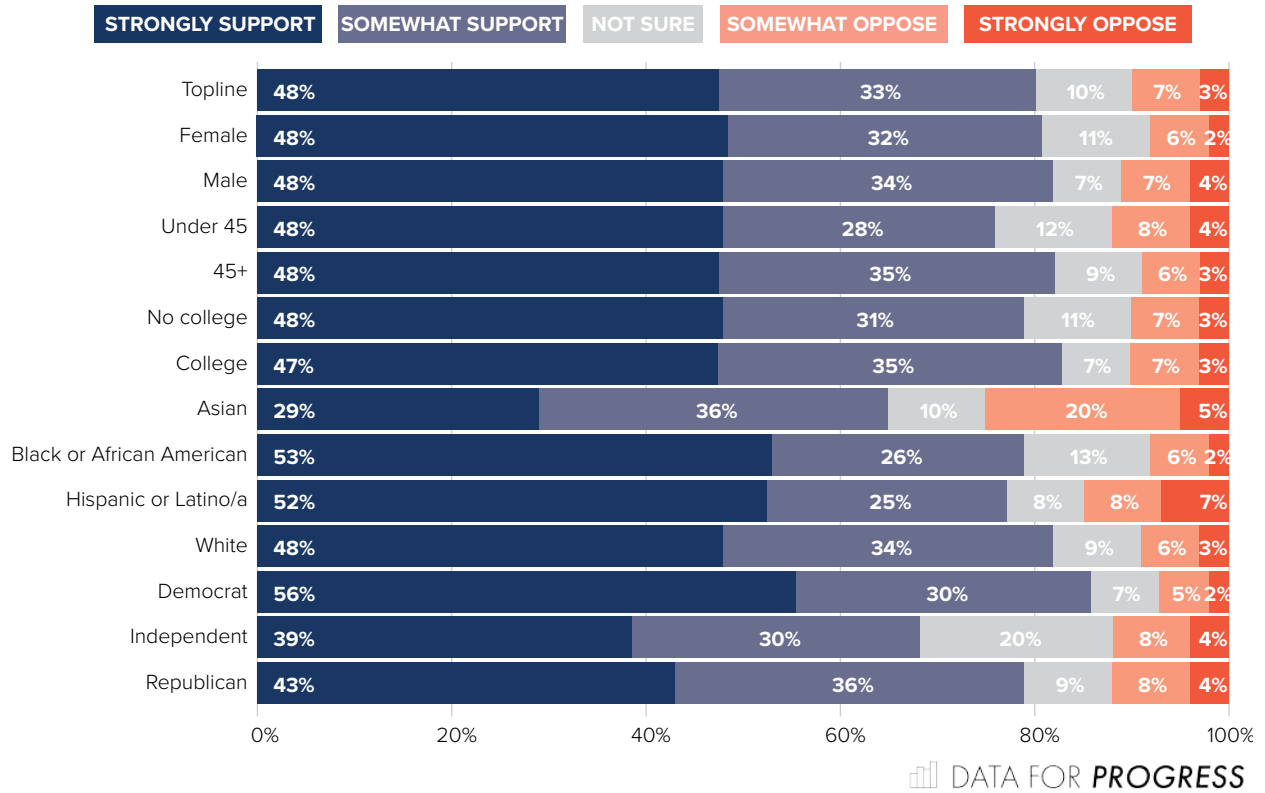
Grassroots groups and other advocates have already begun pushing for these strategies that have broad bipartisan support among voters. Now lawmakers and other government officials must act.

Would you support or oppose a moratorium on enforcing laws that prohibit unhoused people to sleep outside or in their vehicles?

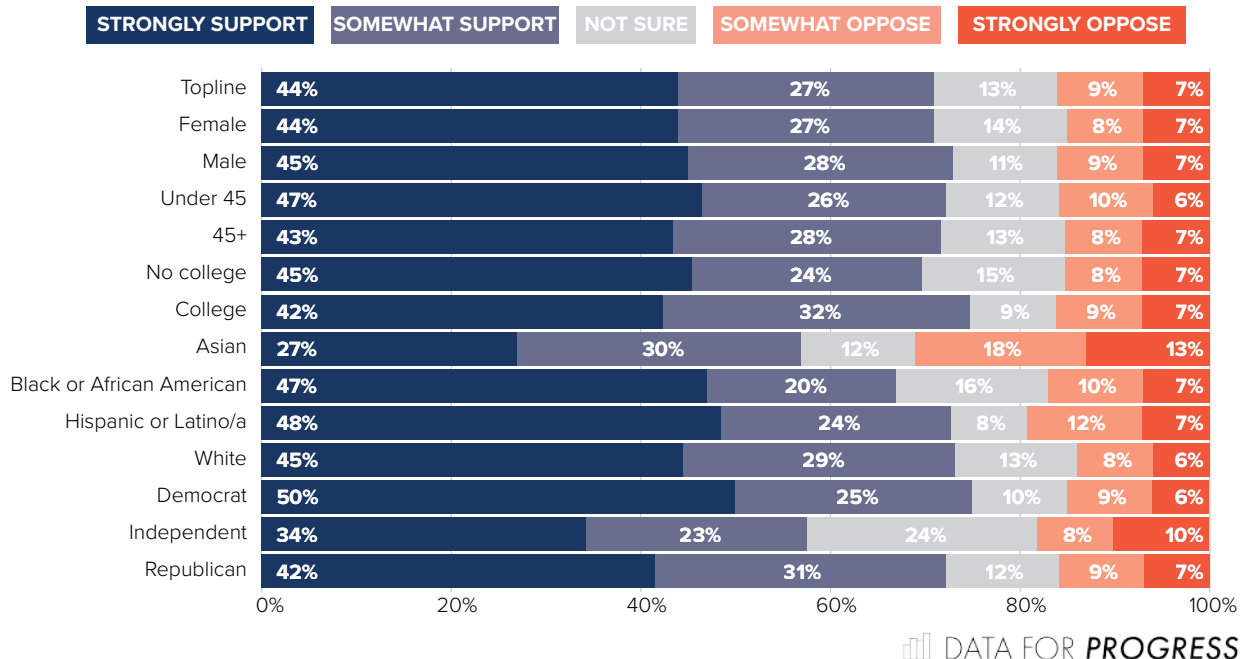


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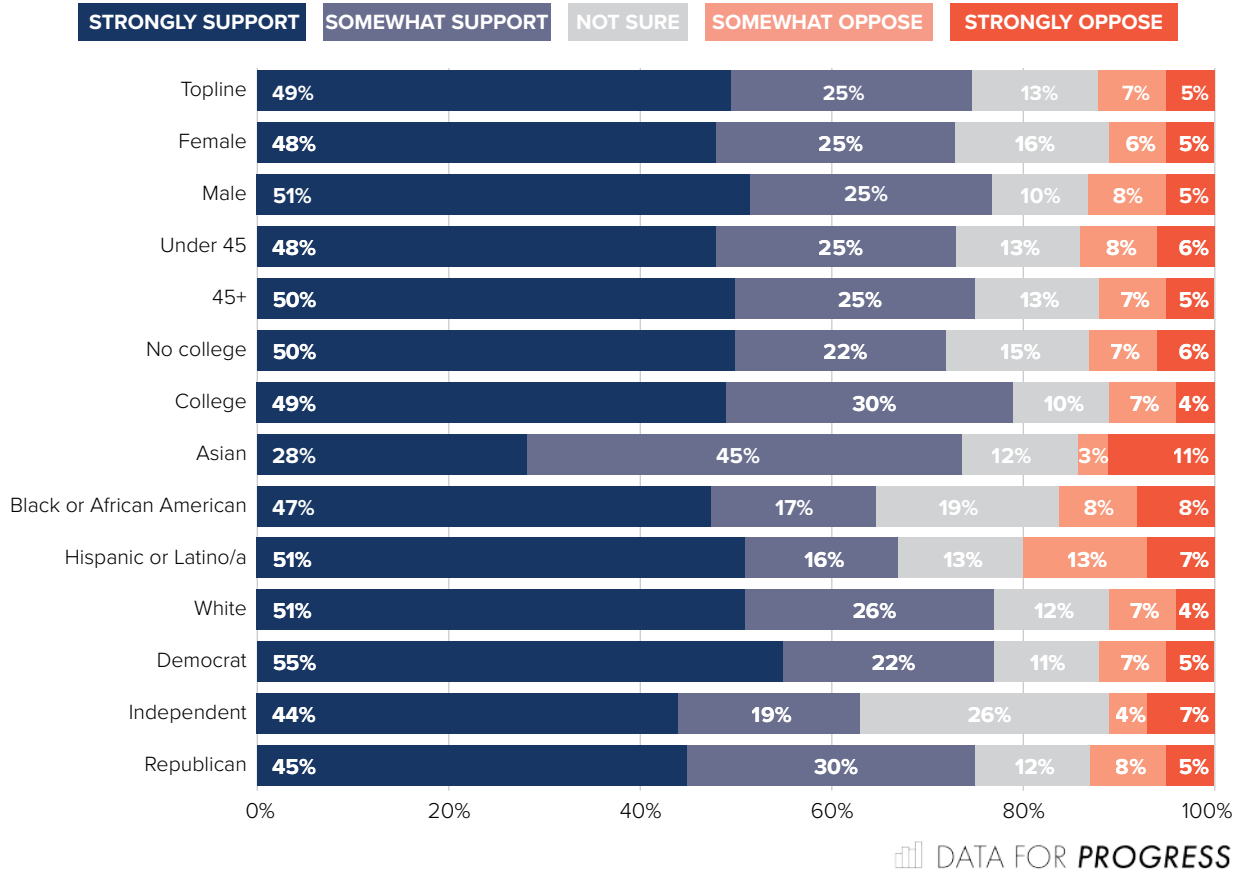
Given the coronavirus emergency, would you support or oppose measures by the government to purchase or take control of unoccupied buildings and housing to temporarily house people experiencing homelessness for as long as there remains a state of emergency?



Thinking about the state where you live, would you support or oppose a temporary ban on towing vehicles in which people reside, for as long as there remains a state of emergency?



**Would you support or oppose a temporary ban on law enforcement clearing out of homeless encampments, for as long as there remains a state of emergency?**



## METHODOLOGY

On March 18 2020, Data for Progress conducted a survey of 2,507 likely voters nationally, using web-panel respondents. The sample was weighted to be representative of likely voters by age, gender, education, race, and voting history. The survey was conducted in English. The margin of error is  $\pm 1.9$  percent.

COVER PHOTO  
Ev/Unsplash