

LD, 1478 “An Act To Decriminalize Homelessness

*Testimony in support provided by Pedro A. Vazquez, Chair South
Portland Human Rights Commission
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Members of the Committee:

Poverty and homelessness in the United States are largely outgrowths of institutionalized racism. Inequity in housing, education, healthcare and wealth creation are inextricable from that which fuels police brutality, mass incarceration of Black, Indigenous, and other people of color (“BIPOC”), and the criminalization of poverty. Instead of addressing the inequities in those systems, our national, state, and local governments have tasked our criminal justice system to police and punish those who have suffered the most.

A report entitled *The Poor Get Prison* by Karen Dolan noted that “Poor people, especially people of color, face a greater risk of being fined, arrested, and even incarcerated for minor offenses than other Americans. A broken taillight, an unpaid parking ticket, a minor drug offense, sitting on a sidewalk, or sleeping in a park can result in jail time.” In other words, poverty is often treated as a criminal offense.

Criminalizing homelessness is costly, ineffective, and infringes on human rights. The revolving door of arrest, court hearings, incarceration and release with a return to the streets frustrates not only those who are unhoused, but also police, judges, and the business community as well. Penalizing people experiencing homelessness tends only to exacerbate mental and physical health problems, create or increase criminal records (thus creating barriers to benefits, employment, housing, treatment and services), and may result in the loss of key personal documents that can make it even harder for people to access the services they need to secure housing.

Policies that criminalize the poor are costly and consume substantial community resources. To create new policies that are effective and efficient requires not only alternative strategies, such as the protocols detailed in this bill which focus on the underlying causes of criminal activity, but also a response from all providers that addresses both the legal and the non-legal obstacles that impede an individual's ability to break free from homelessness and an increased community awareness of services that are available.

The right to adequate housing is a human right recognized in international human rights law as part of the right to an adequate standard of living. One of the first references to it is in article 25 (1) of the Universal Declaration of Human Rights.

The Article reads: Everyone has the right to a standard of 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.

To borrow the term from the National Law Center on Homelessness and Poverty, we need Housing not Handcuffs. On behalf of the South Portland Human Rights Commission, I encourage you to support LD 1478.