

# Congress of the United States

Washington, DC 20515

[[DATE]]

President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. President:

We appreciate your efforts to increase the availability of affordable housing options for low-income households and to prevent and reduce homelessness. Following the Supreme Court's recent decision in *Grants Pass v. Johnson*, we urge the Administration to immediately advance evidence-based solutions to help people experiencing homelessness who have no shelter or housing options available.

The lack of affordable housing, emergency rental assistance, and tenant protections, as well as the widening and persistent gap between incomes and housing costs, and the end of highly effective pandemic relief measures, led to a 23 percent increase in homelessness in 2023.<sup>1</sup> In response, legislation that would make homelessness a crime has been introduced in at least 17 states since 2021.<sup>2</sup>

Punishing unhoused individuals for sleeping outside when there are no adequate shelter or housing options does not solve homelessness or address its causes. It is cruel and cynical to impose penalties on people who may be facing real, human challenges like unaffordable rent, financial emergencies, or health and mental health challenges. Studies show that these approaches exacerbate the homelessness crisis and can actually cost more than providing housing.<sup>3</sup> These approaches also disproportionately affect Black, Indigenous, and people of color (BIPOC) communities and exacerbate pre-existing disparities in the rates at which BIPOC communities experience both homelessness and incarceration.

The solution to ending homelessness is more affordable housing, which is most effective when combined with individualized and voluntary supportive services. Placing housing at the center of solutions to homelessness, as well as expanding programs like alternative crisis response, reentry services, and workforce development, is essential to creating realistic policies to tackle homelessness rather than prolong homelessness.<sup>4</sup> Additionally, research shows that Housing First policies are the best methods for transitioning people experiencing homelessness to stable, permanent housing and improving their overall quality of life.<sup>5</sup>

We appreciate the leadership of your Administration to support these and other initiatives that address the shortage of housing supply. We are working to increase the federal government's investments to scale up these proven solutions, including increasing funding for housing vouchers, eviction prevention and emergency rental and utility assistance, investing in homelessness prevention and reduction programs, and funding housing development through programs like the Housing Trust Fund. Federal funding will play a crucial role in fulfilling the promise of safe housing for all.

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<sup>1</sup> Freking, Kevin, *U.S. homelessness up 12 percent to highest reported level as rents soar and pandemic aid lapses*, Associated Press, December 15, 2023, <https://apnews.com/article/homelessness-increase-rent-hud-covid-60bd88687e1aef1b02d25425798bd3b1>

<sup>2</sup> National Homelessness Law Center and National Coalition for the Homeless, *Emergent Threats: State Level Homelessness Criminalization*, May 10, 2024, <https://housingnohandcuffs.org/emergent-threats-homelessness-criminalization/>

<sup>3</sup> Dewald, Alisa, Einstein, Katherine Levine, and Willison, Charley E., *Policing And the Punitive Politics of Local Homelessness Policy*, Boston University Initiative on Cities, May 31, 2023, <https://www.bu.edu/ioc/2023/05/31/policy-brief-policing-and-the-punitive-politics-of-local-homelessness-policy/>

<sup>4</sup> Love, Hanna and Loh, Tracy Hadden, *Homelessness in US cities and downtowns*, The Brookings Institution, December 7, 2023, <https://www.brookings.edu/articles/homelessness-in-us-cities-and-downtowns/>

<sup>5</sup> Ferrante, Dana, *Housing First Is Still the Best Approach to Ending Homelessness*, Housing Matters an Urban Institute Initiative, February 14, 2024, <https://housingmatters.urban.org/feature/housing-first-still-best-approach-ending-homelessness>

We urge the Administration to take the following actions to expand proactive, evidence-based policies across the country that can reduce initiatives to criminalize homelessness:

1. Immediately declare unsheltered homelessness a public health priority. Direct the Department of Health and Human Services (HHS) to issue guidance to strengthen the relationship between homeless services providers and public health agencies, provide additional resources for harm reduction efforts and evidence-based approaches to addressing substance use disorder and mental illness, and deploy the U.S. Public Health Service to assist communities with outreach to unhoused people.
2. Defend the civil rights and liberties of people experiencing homelessness, and those who serve them.
  - a. Direct all federal agencies that own or manage federal land and federal law enforcement agencies to provide the resources and services necessary to respond to the effects of homelessness on federal property without displacing vulnerable individuals in the absence of adequate housing or pursuing any criminalization and encampment clearing approaches; and,
  - b. Direct the U.S. Interagency Council on Homelessness (USICH) to jointly develop and issue a consistent set of guidance and protocols for engagement with people experiencing homelessness that uses a harm reduction approach that effectively connects unhoused people to services and supports as well as housing.
3. Allow states and communities to better use federal resources to assist people living in encampments move directly into stable housing with voluntary supportive services.
  - a. Direct HUD to provide waivers to give communities more flexibility in administering the Housing Choice Voucher (HCV) program and issue guidance to public housing agencies to maximize existing program flexibilities such as self-attestation to expedite the housing process;
  - b. Direct the General Services Administration (GSA) to enhance and speed efforts to convert underused federal buildings to housing and shelter; and,
  - c. Direct the Department of the Treasury to work with GSA to quickly resolve conflicts between the Low-Income Housing Tax Credit and the site control requirements of the McKinney-Vento Homeless Act's Title V application process administered by HHS in order to more quickly facilitate the transfer of surplus federal properties to communities for sheltering and housing people experiencing unsheltered homelessness.

We must prioritize solutions to the housing crisis that are effective and humane. With an increase in carceral policies, your Administration can make a difference by taking immediate action to give communities the resources and support they need to end homelessness. Our priority must be on effective and humane solutions.<sup>6</sup> We look forward to working with you to scale up evidence-based policies to end this crisis.

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Cc: Acting Secretary of Housing and Urban Development Adrienne Todman, Secretary of the Treasury Janet Yellen, and Secretary of Health and Human Services Xavier Becerra

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<sup>6</sup> Gillespie, Sarah and Batko, Samantha, *Five Ways to Address Unsheltered Homelessness, No Matter How SCOTUS Rules on Grants Pass v. Johnson*, Urban Institute, June 18, 2024, <https://www.urban.org/urban-wire/five-ways-address-unsheltered-homelessness-no-matter-how-scotus-rules-grants-pass-v-johnson>