

California Right to Rest Act (SB608)



March 19, 2015

Talking Points

- 1.** The solution to homelessness is permanent housing, and we must all work together to ensure that truly affordable housing is available to all who need it. Redirecting the costs of criminalizing homeless people to affordable housing would create lasting solutions.
- 2.** People who lack housing and must therefore conduct their survival activities in public space are being treated as criminals. Such criminalization is unconstitutional, immoral, and counterproductive. By criminalizing homelessness instead of dealing with its root causes, our local governments are forcing people into more hidden, less secure areas--where the risk of being attacked is increased. Criminalizing homelessness instead of providing appropriate solutions sends the public the message that "homeless lives don't matter"--they're fair game. Criminalization does nothing to reduce homelessness.
- 3.** Data shows that homelessness is caused simply by the lack of affordable housing. Since 1996 there has been no federal government funding for new public housing— Homelessness has tripled or quadrupled in every major U.S. city and has risen steadily since.
- 4.** In California, 58 cities have enacted at least 500 anti-homeless laws that essentially restrict basic survival behavior. All these cities have enacted at least one law pertaining to the restriction of daytime activities such as sitting, standing, and resting. With the exception of one city, they have prohibited at least one nighttime activity such as sleeping and camping in public areas. Even residing in a legally parked vehicle is prohibited and considered a crime. Criminalization of homelessness perpetuates homelessness by creating legal barriers to accessing housing and employment. If you want homeless people off of the streets, stop criminalizing them.
- 5.** 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 shelters, day centers, services, and especially housing available to those who need and want it. If the money spent on the enforcement of anti-homeless laws (including policing, court processing costs, and the costs of incarceration), were instead spent on permanent affordable housing, we could end homelessness.

6. This bill does NOT give people the right to leave trash about, urinate in public, aggressively panhandle, block a doorway or passageway, or engage in destructive activities. This bill simply makes it legal for people to move about freely, rest, sleep, protect themselves from the elements, eat and share food, and other basic acts basic to human survival.
7. Laws criminalizing sleeping, sitting, and feeding people will not keep crime down. There is no statistical evidence to support stereotypes about a relationship between homelessness and real crime, like assaults or burglary. Of the "illegal offenses" that people who are homeless are cited and arrested for include: 81% for sleeping in public areas, 78% for sitting or laying down in public areas, and 68% for loitering in public areas. The idea that people who are homeless are criminals is nothing but a myth that has been perpetuated to make others afraid of them 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 on"--- money that should be spent on needed services and on combatting REAL crime.
8. People who are homeless have nowhere else to go but public spaces such as libraries, downtown areas, and parks in which they have a perfect right to use these spaces as do housed people. When asked if they knew of any areas that are safe and legal to sleep or rest outside, 74% answered "No", which indicated that the majority do not have a known area where they can safely rest. 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 homeless people, and people would come to know, understand and appreciate each other.
9. Citing people who are homeless for sleeping outside does not mean they will stop looking for a place to live but the resulting criminal record creates barriers to housing and employment. The criminalization of homelessness deepens their poverty by creating legal barriers to exiting homelessness.
10. There are laws across the country criminalizing the act of simply sharing food with anybody in public. This will prevent laws like that from being passed in California. In many cases, food-sharing programs might be the only occasion in which some homeless individuals will have access to healthy, safe food. 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.

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11. The Right to Rest Act assures the simple acts of resting or sharing food in public-acts of SURVIVAL. It does not mean people can sleep in doorways. This 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. It doesn’t mean that people can be drunk in public, harass others, trespass or block passageways. This bill does not prevent law enforcement from pursuing criminals or addressing safety issues. It prevents law enforcement from pursuing people simply for living in public space. If someone is breaking a law, then law enforcement has every right to pursue them. Law enforcement will no longer have to pursue people that are performing basic acts of survival like sleeping or resting.