



# HAWNY Monthly Meeting Minutes

## Meeting Information

**Date:** Wednesday, August 21st, 2024

**Time:** 2:15 PM -4:00 PM

**Location:** Buffalo & Erie County Central Public Library, Central Meeting Room (2nd Floor), 1 Lafayette Square, Buffalo, NY 14203

**Attendance (77):** Jennifer Arroyo, Joshua Ziccerdli, Stan Steele , Christine Slocum, Caitlin Bauer, Julianna Everduke, Brian Archie, Harvey Barr, Drew Friedfertig, Aaron Swan, Paris Jackson, Crystal Dillen, Elizabeth Kubiniec, Felicia Cruz, Carolyn Brunelle, Morgan Ashton, Yagmier Turker, Dan Szeur, Kyle Kindred, Cornelius Delaney, Reno Tabone, Brittany DePietro, Shannon Boswell, Taylor Winter, Lindsey McKey, Linda Battaglia, Darwin Rosales, Karen Rybicke, Luna Vazquez, Kaitlyn Dickey, Damien Diggs, Sara Pisa, Gwen Solanke, Idris Salih, Marthe Limage, Audelis Rodriguez, Roberta Pickens, Paul Hinds, Kristen Rivera, Kelsey Durphy, Maya Ihuri-Mather, Kathleen Battel, Amanda Holowatys, Celina Bryan, Jean Bennett, Nathan Davis, Audra Kourt, Seham Haj, Jeremy Johnson Dionne Turnage, Jala Jefferson, Flor Aber, W.M F Irene, Will Marcy , Nadia Pizarro, Ashley Perillo, Nemisis Negron, Carmen Lozada, Diana Proske, Meghann Simpson, Begonia Zeke, Rai'Vonne Davis, Dan Stegemann, Lauren Zani, Dave Zarbo, Mary Hinterberger, Donna Pitts, Zoey Peterson, Joseph Heary, Meghan Hilliker, John Cummings, Laura Bloomingdale, Jeff Walker, Edwina Davis, Sasha Rodgers, Precious Lugo

## 1. Introductions

## 2. Grants Pass Discussion:

- Summary of the Johnson vs. Grants Pass ruling and its impact on local ordinances- Neighborhood Legal Services (NLS) (Drew Friedfertig, Staff Attorney)
  - What is NLS?
    - They provider free legal services in Western New York, specializing in Disability, Family, Housing, and Public Benefits Law
  - Homelessness has been on the rise for the last 5 years, especially around the time that covid protections ended, almost a quarter of shelter applicants are experiencing homelessness for the first time

- Roughly 40% of people experiencing homelessness are unsheltered. That number climbs to over 50% if you look just at individuals, not families experiencing homelessness together.
- New York State has a rate of homelessness about 2.7 times higher than the national average. Our beds in shelters for individuals are at 94% capacity. Our beds in shelters for families are at 107% capacity.
- Grants pass Oregon background
  - A number of people experiencing chronic homelessness in Grants Pass, Oregon, filed a class action lawsuit against the city. The city's municipal code banned camping in public spaces and punished violations with fines, exclusionary orders preventing people from returning to those spaces, and criminal trespass charges that carried potential jail time.
  - The members of the class action filed in the United States District Court for Oregon, and won. The judge found that, because there were no HUD-certified shelters in Grants Pass, there was no way for homeless residents to avoid violating the city anti-encampment ordinances
  - On appeal, most of the lower court's decision was upheld by the 9th Circuit Court of Appeals. The portions that referred directly to the anti-sleeping provision of the law were not addressed, as the class member who had been fined under that provision had passed away and a new class member had to be substituted as the lead plaintiff.
- The issue that the courts focused on:
  - Does the enforcement of anti-encampment laws, against involuntarily homeless people specifically, violate the Eighth Amendment protection against Cruel and Unusual Punishment?
  - The Supreme Court considered many of our nation's laws when deciding this case, but the most important were:
    - Eighth Amendment: They looked closely at the Cruel and Unusual Punishments clause, which is supposed to prevent the government from enacting punishments that are arbitrary, degrading, unnecessary, or wholly rejected by society. They ignored the Excessive Fines clause, which Justice Sotomayor takes up in her dissent.
    - Robinson v. California: A 1962 case that determined that the Cruel and Unusual Punishments clause bars governments from assigning criminal penalties to the status of being addicted to drugs. Criminal acts may be penalized, but simply being something the government dislikes may not be.
  - In a 6-3 decision split along party lines, the majority decided that the enforcement of anti-encampment laws, against involuntarily homeless people specifically, does not violate the Eighth Amendment protection against Cruel and Unusual Punishment because the laws are neither disproportionate in their penalties nor do they criminalize the status of homelessness.
  - There was a examination of the local laws in Batavia, Lockport, Niagara, and Buffalo (see full presentation attached for full citations of local laws)
  - On July 31st, the City of buffalo used the buffalo police department to break up a homeless encampment at fireman's park, citing the

supreme court decision as reasoning for the sweep. However, the supreme court decision did not confer any more authority on the BPD than it already had. Authority is conferred through legislative enactments.

- After the presentation, a discussion regarding the legality of assisting with encampments and what would be considered legal or potentially illegal for our providers when working with clients that are staying in public places or encampments took place.
- Community Presentation and Discussion lead by HAWNY
  - Homelessness and housing insecurities are on the rise across the United States, affecting our neighbors at an alarming rate.
  - The practice of criminalizing homelessness often results in significant costs, including increased expenditures on the legal system, incarceration, and emergency services, all while failing to address the root causes of homelessness.
  - Nearly all people experiencing homelessness are NOT unsheltered by choice - but because they lack access to affordable housing, physical and mental health care, or adequate and humane emergency shelter. Arrests, fines, jail time, and criminal records make it harder for those experiencing homelessness to access the affordable housing, health services, and employment necessary to exit homelessness
  - Specifically, in WNY we have specific housing challenges as the number of renters in WNY is at 55% of the population which is significantly higher than the national average of 33% and even the state average of 46%.
  - Criminalization will further marginalize communities who are already overly affected by homelessness and mass incarceration such as; Black, Indigenous, and other communities of color, people with mental and physical disabilities, and LGBTQIA youth and adults
  - Also, 48 % of people experiencing homelessness in WNY report having at least one disability with mental health disorders being the most common at 24.5% followed by physical disabilities at 13.8% and chronic health conditions at 9.6%.
  - Laws contributing to the involuntary institutionalization of those experiencing homelessness have regularly been found to violate the civil rights of people with disabilities and any expansion of those laws would expand the harm they cause.
  - A growing body of research demonstrates that providing affordable housing and voluntary services is more cost-effective than outdated
  - approaches, including criminalization.
    - A study in Charlotte, NC found that the city saved \$2.4 million in the year after creating their Housing First program.
  - Right now, only about 20% of people experiencing homelessness can be housed through our CoC programs
- To effectively end homelessness in our communities, we must commit to investing in scalable, evidence-based solutions. Decades of research have shown that providing access to affordable housing and voluntary healthcare

services is far more effective in ending homelessness and preventing housing instability than outdated, dehumanizing approaches

**Please see attached for full versions of both presentations.**

### **3. Adjournment**