

# Toolkit to Combat the Criminalization of Homelessness

In Partnership with the Washington State Department of Social and Health Services' BRIDGES Program (Bringing Recovery Into Diverse Groups through Engagement and Support) and the Washington State Health Care Authority



#### ABOUT THE WASHINGTON LOW INCOME HOUSING ALLIANCE

The Washington Low Income Housing Alliance (the Housing Alliance) works to ensure that everyone in Washington can live and thrive in a safe, healthy, affordable home. We do this through public policy advocacy and by organizing a wide array of individuals and organizations across the state to get engaged in promoting solutions to homelessness and expanded access to affordable housing. This toolkit builds on a history of Housing Alliance and allied organizations' materials that aim to demystify and explain legislative processes and policies.

More about the Housing Alliance at: wliha.org.

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#### 1. Introduction

Many lawmakers and community members would like to combat homelessness in effective ways, but pervasive myths and stereotypes about chronic homelessness, especially regarding behavioral health needs, have led to the pursuit of 'solutions'—like criminalization—that only exacerbate the problem and lead to more human suffering. Chronic homelessness is a systemic problem that must be solved through systemic solutions. Policies that criminalize the life-supporting behaviors of individuals perpetuate systemic racism, have a negative impact on physical and mental health outcomes, increase the likelihood that an individual will remain trapped in the cycle of homelessness, and have disparate impacts on other already marginalized people including victims of domestic violence, people with disabilities, LGBTQ+ people, and veterans. On a larger scale, these policies also hinder the advancement of real solutions to end chronic homelessness.

In 2019, the Supreme Court of the United States <u>refused to rule on Martin v. Boise, leaving in place the ruling by the 9<sup>th</sup> District Court of Appeals' that a municipality within their jurisdiction cannot arrest someone experiencing homelessness for sleeping outside on public property if there is no shelter space available. This ruling covers the nine states within the 9<sup>th</sup> District Court of Appeals' jurisdiction, including Washington. The ruling also stated that if the only bed space available is in a shelter that imposes strict religious rules upon those they are serving (i.e. requiring individuals to attend prayer before being allowed to eat) [source] the police are not allowed to arrest people who are unsheltered based off of that empty bed space. However, this doesn't mean that municipalities have lost all ability to enforce these laws, as time and place restrictions are still allowable under Martin v Boise <sup>1</sup></u>

[DEFINITION BOX: Chronic homelessness is considered systemic because there are many systems that have failed to meet a person's needs, and it is unlikely to end on its own.]

Alternatives to criminalization and solutions to ending chronic homelessness exist and have been advanced successfully by local governments and communities, often through deep relationship building. Educating decision makers and working within our networks to directly dispel myths and create a new public narrative about ending homelessness is a key part of advancing real solutions to solve this crisis.

This toolkit is designed to help communities better understand and influence the systems and players involved in preventing and ending homelessness. It provides examples of concrete steps and actions to educate decision makers and build the public will to prevent and end homelessness. Members of local homeless networks across Washington informed the strategies outlined in this document.

<sup>1</sup> "Martin v. Boise," Vimeo, posted by WA Low Income Housing Alliance December 6, 2018, https://vimeo.com/306301901

This toolkit will help advocates, direct service providers, and other community stakeholders to:

- Articulate the root causes of homelessness and the harms that the criminalization of homelessness causes
- 2) Educate decision makers about alternatives, using local and statewide data and lived experiences.
- 3) Develop effective relationships to move key decision makers.
- 4) Advance a new public narrative about ending chronic homelessness.

#### 2. Root causes of homelessness and drivers of recent increases

To understand the criminalization of chronic homelessness, we must unpack why people become chronically homeless in the first place. One of the root causes of homelessness is the severe lack of affordable housing in Washington, as well as the United States as a whole. According to the National Low Income Housing Coalition's 2020 *The Gap* report, there are 31 affordable and available units for every 100 extremely low-income renter households<sup>2</sup>. This leads to competition for the most affordable units, and not everyone can get housing that is affordable to them in their communities, leaving them homeless.

The Washington State Department of Commerce also came out with research showing that after considering all other possibilities for the rise in homelessness since 2013, it was driven primarily by the rising cost of rent in Washington state. According to their research, in 2015 the vacancy rate in Washington was at 3.3%. A vacancy rate of 5% or lower is considered too low and will lead to rental price inflation. Due to this, over the period from 2012 to 2015 rents have raised \$111. According to national research, a rent increase of just \$100 leads to an increase in homelessness between 6 and 32% <sup>3</sup>.

Closely related to the lack of affordable housing is the fact that income has remained stagnant for the typical worker, and most safety nets have been dismantled for decades, creating a desperate situation for people who are underemployed or unable to work for reasons such as physical or behavioral health, a criminal record, unreliable transportation, etc. This has made it all but impossible for many people to compete for a market rate unit, making choices even slimmer for people when all other safety nets have failed.

Beyond that, one of the biggest root causes of homelessness is systemic racism. In the United States, Black people make up 13% of the overall population, but 40% of the homeless population. Nationally, Black individuals are about five times more likely to experience homelessness than white individuals and Native Americans/Alaska Natives are about six times more likely than white individuals to experience homelessness. Native Hawaiians and

https://www.commerce.wa.gov/wp-content/uploads/2017/01/hau-why-homelessness-increase-2017.pdf

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<sup>&</sup>lt;sup>2</sup> https://reports.nlihc.org/sites/default/files/gap/Gap-Report 2020.pdf

Pacific Islanders experience the highest rates of homelessness and are more than 13 times more likely to experience homelessness than white individuals. This is due to a great many historical and modern injustices, for example, redlining: the discriminatory practice of denying mortgages to people of color or to people who want to buy houses in neighborhoods of color. This practice prevented Black families from accumulating generational wealth and is directly tied to the wealth gap that persists today, when the average white family has a net worth that is ten times greater than the average Black family. Today this is seen in underfunded school systems (school funding is tied to property taxes), segregated neighborhoods, low homeownership rates, and many more outcomes that wouldn't have happened if it weren't for systemic racism in the United States.

For more information please visit <u>The National Alliance to End Homelessness's website</u> about what causes homelessness.

There are also links between decreased funding for mental health services and the prevalence of chronic homelessness. The closure of mental health institutions across the country in the 1980s led to a significant increase in visible homelessness as new faces appeared on the streets, often lacking access to treatment. According to the 2015 Point in Time Count, 2,749 people experiencing homelessness in Washington were severely mentally ill. People with mental health needs and/or crises may be arrested and criminalized, especially if they are living on the streets and their mental health needs are seen publicly, instead of experienced privately. Prolonged time in jail or on the streets can exacerbate mental health disabilities. Even if a person is able to get help at a hospital or treatment center, if they are released with no home to go to their health outcomes can quickly deteriorate as they lack the stability and safety of housing.

### 3. Chronic Homelessness and Criminalization in Washington

"Legislators should know that homelessness is a lonely place that no one wants to be in. People need a stable environment to help heal from the devastation of the streets." –Margaret, who experienced chronic homelessness for 20 years

The criminalization of homelessness occurs when governments use laws to remove visibly homeless or impoverished-looking people from shared public spaces instead of offering services. Criminalization treats the performance of life-sustaining activities, such as sitting, sleeping, eating, and bathing as illegal activities.<sup>4</sup> When community leaders or others talk about ridding the streets of people experiencing homelessness, often they are referring to those who are experiencing chronic homelessness, as they are typically the people who look most visibly poor and who are more often seen living outdoors.

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<sup>&</sup>lt;sup>4</sup> http://www.nlchp.org/documents/No Safe Place Advocacy Manual HYPERLINK

<sup>&</sup>quot;http://www.nlchp.org/documents/No Safe Place Advocacy Manual"

The United States Interagency Council on Homelessness explains chronic homelessness as "among people experiencing homelessness, there is a subset of people with disabling health and behavioral health conditions who experience homelessness for long periods and/or in repeated episodes over many years."

Criminalization of homelessness is also connected to lack of access to treatment services for substance use disorders. Due to underfunding, wait periods are often required to enter treatment facilities, making it harder to access help getting sober. Additionally, drug use and addiction is often treated as a crime (instead of a disease in need of treatment), so homeless individuals who lack a private place to use drugs or alcohol may be arrested and charged simply for use. For many, the combination of substance use disorders and mental health challenges are extremely difficult to overcome when living on the streets or in less than stable housing.

Oftentimes, municipalities or decision makers defend criminalization policies by arguing that visible homelessness prevents non-homeless people from utilizing public spaces, or that it negatively impacts economic activity or public safety. Criminalizing behaviors like sitting or lying in a public area effectively create zones of exclusion from public areas. People experiencing homelessness may have nowhere to go during the day when many shelters are closed. This creates an impossibility of existence, where simply living and being may be criminalized. Additionally, the criminalization of homelessness feeds directly into the cycle of chronic homelessness because individuals are arrested for minor infractions, and then may spend time in jail. This exacerbates mental health issues and results in criminal records, making securing a home and/or a job more difficult.

Each year, the U.S. Department of Housing and Urban Development (HUD) requires a county-by-county count of sheltered and unsheltered homeless individuals on a single night in January, called the "Point in Time Count.

#### **Criminalization Policies in Washington State**

Researchers with Seattle University School of Law's Homeless Rights Advocacy Project (HRAP) looked at the municipal codes of 72 cities across Washington to identify ordinances that criminalize homelessness. The researchers found that many life-sustaining activities were being outlawed, such as sitting or lying on public sidewalks (found in 72% of surveyed municipalities), camping in certain public places (63%), urination/defecation in public (75%), rummaging through trash receptacles (28%), and storing personal property in public places (22%).<sup>5</sup> Additionally, ordinances like aggressive panhandling prohibitions (present in 63% of surveyed cities) specifically target people who are homeless and hold them to a higher standard with potentially harsher punishment than existing assault or harassment laws, which often already prohibit the same conduct. 6 This raises equal protection concerns, because cities can essentially make a choice about which law to charge people with.

<sup>&</sup>lt;sup>5</sup> Olson, Justin and MacDonald, Scott, Washington's War on the Visibly Poor: A Survey of Criminalizing Ordinances & Their Enforcement (May 6, 2015). Available at SSRN: http://ssrn.com/abstract=2602318 pg. 3-4.

<sup>&</sup>lt;sup>6</sup> Id. Pg. 4

Criminalization policies, especially the fact that the cities hold people experiencing homelessness to higher standards, disproportionately impacts people of color. In the United State people of color are disproportionately represented in both the homeless population and in the prison system. Due to factors such as difficulties finding work, or crimes showing up on background checks when applying for a place to live, people who have a criminal record are much more likely to become homeless once they've been incarcerated, leading to a vicious cycle. Due to this, the cycle of homelessness to prison and back to homelessness impacts people of color at a much higher rate than it does white people. In King County 67% of people experiencing homelessness are of color, yet are 35% of the general population <sup>7</sup>.

While sometimes heralded as a less-severe option than criminal penalties, civil infractions can also result in serious problems. There is no right to an attorney for civil infractions in Washington, and nonpayment of a fine can result in driver's license suspensions or even the issuance of a bench warrant for a person's arrest. (This can vary between municipalities.) Before assuming that civil consequences are less harsh for people who are homeless than criminal consequences, these variances should be examined.

What all these laws have in common is they criminally punish people who are homeless for essentially just existing in public, when they likely have no alternatives. Criminal charges can have lifelong impacts on individuals, particularly in terms of applying for housing and employment, long after time has been served and restitution has been made.

For more about the consequences of civil infractions, see the HRAP report *Washington's War on the Visibly Poor*.<sup>8</sup> The Western Regional Advocacy Project (WRAP) is another organization that has researched and taken action against criminalization of homelessness. Their research provides stark insights on the impact of criminalization ordinances that will be useful when meeting with and educating decision-makers. More information about both HRAP and WRAP and their research of criminalization ordinances is available in <u>Appendix A</u>.

#### **Criminalization and Behavioral Health**

Homelessness in and of itself is a deeply traumatic experience. The loss of your home and stability on its own can take a long time to heal from. However, if you're someone who also happens to have a mental illness or an addiction, it's even harder to get the help you need and the traumas pile up, turning into a cycle of abuse. Criminalization policies effectively make people's real traumatic experiences illegal, further harming their mental health or recovery.

In a United States that has cut many social programs, prisons and policing has taken the place of programs that would actually help people heal. According to the National Alliance on Mental Illness, one in five people in jails and prisons have a mental illness, and about 70% of homeless youth in the juvenile justice system have a mental health condition. Jails and prisons are not designed to be a place that prioritizes mental health, and it can cause further trauma. On top of that, anyone who has a mental illness that has been exacerbated by their

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<sup>&</sup>lt;sup>7</sup> Seattle University report *Discrimination at the Margins: The Intersectionality of Homelessness & Other Marginalized Groups:* <a href="https://bit.ly/marginsreport">bit.ly/marginsreport</a>

<sup>&</sup>lt;sup>8</sup> Id. Pg. 12-13

incarceration, once they get out they have two strikes against them: a criminal record and a mental illness, making it much harder to get a job and/or become housed.

# Criminalization Perpetuates Racial Disparities and Disparate Impacts on Other Already Marginalized Groups

Criminalization policies also perpetuate existing racial disparities in homelessness and incarceration, as well as disparate impacts on other already marginalized groups. The Seattle University report *Discrimination at the Margins: The Intersectionality of Homelessness & Other Marginalized Groups* finds that "...marginalized groups are disproportionately represented in the homeless population, and are therefore, disproportionately targeted by the ordinances that criminalize homelessness." People of color, LGBTQ people (particularly LGBTQ youth and young adults), people with mental illness, people with disabilities, and veterans are some of the people discriminatorily impacted by the criminalization of homelessness.

- In King County, 67% of the homeless population are people of color (compared to 35% of the general population). In Pierce County, 35% of the homeless population are African American (compared to 6.8% of the general population).
- Washington's statistics are consistent with national statistics, showing that approximately 20–40% of homeless youth identify as LGBTQ, compared to only 5–10% of the overall youth population.
- In Washington, at least 13% of people experiencing homelessness have a mental illness. In some counties, that number is over 50%.
- Nationally: 40% of men experiencing
   homelessness are veterans. In Washington the
   majority of homeless veterans are people of color and disabled, and veterans are
   more likely to be chronically homeless than non-veterans.

Organizations like WRAP and HRAP have also drawn connections between exclusionary laws that have occurred in U.S. history and the current climate of criminalization of the homeless. Examples of previous exclusionary laws include "Anti-Okie" laws from the 1930s (laws attempting to exclude agricultural worker migrants from Oklahoma and other states affected by the dust bowl and the Great Depression) and Sundown Town laws that existed before the Civil Rights Act of 1968. (These towns excluded people considered "minorities" after sunset—they could work in these towns but not live there.) This comparison may help those challenging criminalization in their communities by asking enactors to articulate the

Disproportionately Impacts

Homelessness

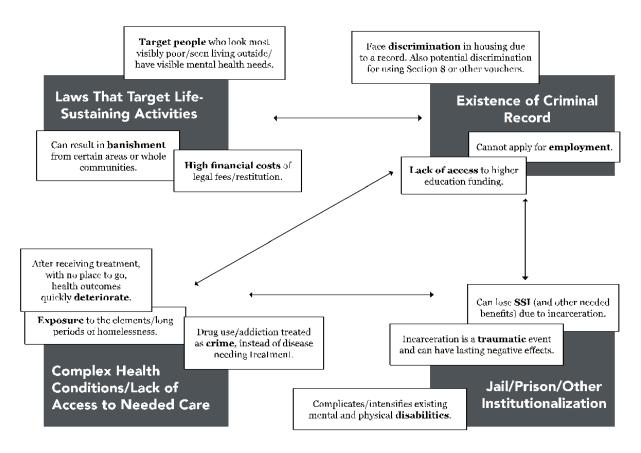
<sup>&</sup>lt;sup>9</sup> Seattle University report *Discrimination at the Margins: The Intersectionality of Homelessness & Other Marginalized Groups:* bit.ly/marginsreport

purpose of such ordinances. Asking what the goal of a particular ordinance is can reveal problematic policy overlap, direct the conversation toward more effective alternatives to criminalization, and create opportunities to address underlying assumptions.

For example, if the goal is to save money, spending money to incarcerate people will not likely result in savings. Similarly, a belief that homeless individuals aren't from a given community can be a justification used to enact citywide banishments. This reasoning effectively says that a community does not have to support people who are not originally "from" there and that they have the right to determine who belongs. More on responding to this and other common myths about homelessness can be found in the <u>Facts to Combat</u> Criminalization and Advance Real Solutions factsheet in Appendix A/B.

#### **Criminalization Tactics Do Not End Homelessness**

The graphic below (also available as a full-size handout in <u>Appendix A/B</u>) shows the cycle of the criminalization of homelessness, which entangles people in a web of incarceration/ institutionalization, life on the streets or in other unsafe and unstable places, and the continual struggle to meet basic needs due to lack of access to affordable housing and support services. This includes lack of access to health care and employment.



Communities and organizations nationwide have worked to articulate the harm these policies cause and to expose that many ordinances do not accomplish what cities and municipalities hope they will. Criminalization tactics cost cities and small communities millions of dollars. Incarceration, additional law enforcement officer pay, emergency resource use by those without affordable housing, and other governmental expenses are all more costly than providing housing. None of these strategies help to interrupt the cycle of homelessness and

often only exacerbate them, as well as further perpetuate racial disparities in homelessness and incarceration. Additionally, once individuals have criminal records, finding a job or housing is often much more difficult or even impossible. The National Law Center of Homelessness & Poverty gives much more detail about the effects of criminalization on homeless individuals, pointing out the myriad ways people who have been arrested and/or incarcerated are harmed, such as the loss of disability benefits, access to affordable housing and more. The main takeaway of their work is that criminalization tactics, regardless of their breadth or scope, do not end homelessness.

[GRAPHIC: Per night cost of incarceration vs. housing. Washington State Department of Corrections estimates a cost of \$92 per person per night (source). Downtown Emergency Service Center estimates a cost of between \$29-35 per person per night for shelter or permanent supportive housing (source).]

WRAP has also articulated the problems of these types of laws and reframed the problems of criminalization by promoting a Homeless Bill of Rights, which articulates the rights that all people, including people who are homeless, *should* have. These include the right to sleep, pray, and rest in public; the right to share and eat food in public; and the right to occupy a legally parked vehicle (some people who are homeless reside in their cars, often as protection from the elements).<sup>11</sup>

Many cities and towns would like to combat homelessness in effective ways, but often aren't sure where to begin. When speaking with decision makers, it is important to name interventions that we know have worked in addressing chronic homelessness, such as Permanent Supportive Housing and models like Housing-First with services connected to housing. See <a href="Appendix A">Appendix A</a> for resources that provide more examples of alternatives to criminalization and proven solutions to ending chronic homelessness.

[DEFINITION BOX: Housing-First is a proven approach to ending chronic homelessness. It prioritizes stable housing as a person's primary need, while also providing services to address behavioral health, addiction, or other issues people may be struggling with. In this model, housing is not a reward for good behavior, it is a necessity to access treatment and get better. Permanent Supportive Housing was developed in Washington state by Downtown Emergency Service Center (DESC) and other states and countries have adopted it—including Utah where chronic homelessness declined 91% as a result.]

#### Engaging Community Stakeholders in Addressing Criminalization

For community alternatives to the criminalization of homelessness to succeed, they require strong relationships between direct service providers, law enforcement, local lawmakers, business leaders, and other stakeholders. Across Washington state, communities have advanced alternatives to criminalization by engaging these stakeholder groups in strategies to prevent criminalization.

<sup>&</sup>lt;sup>10</sup> "No Safe Place" National Law Center of Homelessness & Poverty, pg 32-33

<sup>&</sup>lt;sup>11</sup> WRAP Homeless Bill of Rights Campaign

In Whatcom County, advocates knew better communication between local businesses, service providers and law enforcement could help prevent the criminalization of homelessness. In 2015, the Opportunity Council opened an outreach hotline, available to merchants and community members as an alternative to calling the police if they are concerned about someone who appears to be in crisis.

"Relationships with local businesses, City Council, the Mayor's office, City staff, and the police department have all been critical in advancing this effort. Local officials know that if a service provider can reach a person first, there will often be no need for action from law enforcement. My advice to advocates is simple: have open dialogue with business leaders and local lawmakers. Sit down and talk to people. Those communication channels will become the infrastructure that supports whatever solutions your community creates."

—Greg Winter, Executive Director, Opportunity Council, Bellingham, WA

In addition to creating alternatives to criminalization in our communities, ultimately advocates can challenge criminalization efforts by taking action to end homelessness. We must work to educate decision makers and the public about the root causes of homelessness, and actively address and dispel the myths and stereotypes that criminalization policies are built on. We must oppose and repeal ordinances and any other local attempts to criminalize homelessness. Finally, we must invest in policies that fund solutions. You can see current policy priorities and analysis by visiting the Washington Low Income Housing Alliance online at wliha.org.

# 4. Medications for Opioid Use Disorder and Their Legal Protections

One of the groups of people experiencing homelessness are people who have opioid use disorders. An important way of treating these disorders is through medications. Living with this disorder while homeless is extremely difficult and traumatizing, and it's even harder to maintain treatment when myths surrounding these medications prevent shelters and housing providers from providing shelter.

#### **Medications for Opioid Use Disorder (MOUD)**

Opioid Use Disorder (OUD) is a chronic, relapsing disease that can be treated. Individuals with this medical condition are physically dependent on opioids and experience deleterious effects on brain functioning that alters their thinking, priorities and relationships.

Current medical research indicates that medications are proven to be the most effective treatment for OUD. Medications work by reducing cravings, managing withdrawal symptoms, and reduce the risk of having an overdose.

There are three Food and Drug Administration (FDA) approved medications for opioid use disorder.

1. Methadone - Methadone is a full agonist opioid medication taken orally that manages cravings and withdrawal symptoms by binding to opioid receptors. This medication is

- only available at Opioid Treatment Programs (OTP) and lowers the risk of death by about 50%.
- 2. Buprenorphine a partial agonist opioid taken orally that manages cravings and withdrawal by binding to opioid receptors. Buprenorphine has a ceiling effect where the medication has no additional effects above a certain dose. This medication also binds to opioid receptors in such a way that prevents agonist opioids from binding to opioid receptors. In most cases physicians must obtain a Drug Abuse Treatment Act of 2000 (DATA 2000) waiver from the federal government, sometimes referred to as an "X license." This license permits physicians to treat opioid use disorder with buprenorphine. Buprenorphine has also been shown to lower the risk of death by about 50%.
- 3. Naltrexone This medication is an opioid blocker that helps manage cravings administered via an injection that lasts for 28 days. Individuals must not use any opioids for 7-10 days prior to taking naltrexone and as such this medication cannot be used to manage withdrawal symptoms. Naloxone does not show the same effectiveness at lowering the risk of death from an opioid overdose as<sup>12</sup>

For more information about MOUD the University of Washington Alcohol & Drug Abuse Institute's website, www.stopoverdose.org.

There are three settings in which you can receive medications for opioid use disorder (MOUD). They are:

- 1. Opioid Treatment Programs (OTP) There are currently 29 OTPs operating throughout Washington State that are licensed by both the state and federal government. OTPs are the only setting where all three FDA approved MOUDs listed above can be obtained. These programs are highly structured, with counseling and supervised dosing sometimes required. Individuals that are prescribed methadone have to visit the OTP 6 days a week for dosing, which can decrease over time. For more information about OTPs in Washington State please visit the Health Care Authority's Opioid Treatment Program web page.
- 2. Office based opioid treatment (OBOT) This setting provides access to buprenorphine and naltrexone in a medical office setting. This setting is less structured and different programs vary in the frequency of appointments and counseling requirements. Appointments are often needed for this setting.
- Community programs medications can be available at community programs.
   Sometimes known as low-barrier, these programs provide access to medications in a less structured environment where drop-in visits are available. These programs often offer other supports such as peer support services, syringe exchange services, housing, etc.

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<sup>&</sup>lt;sup>12</sup> Marc R. Larochelle, Dana Bernson, Thomas Land, Thomas J. Stopka, Na Wang, Zimin Xuan, Sarah M. Bagley, Jane M. Liebschutz, Alexander Y. Walley, "Medication for Opioid Use Disorder After Nonfatal Opioid Overdose and Association With Mortality," *Annals of Internal Medicine* Volume 169, Issue 3 (2018): pg # 137-145, <a href="https://www.acpjournals.org/doi/10.7326/M17-3107">https://www.acpjournals.org/doi/10.7326/M17-3107</a>

#### Resources

- Washington Recovery Help Line and MOUD Locator
- www.stopoverdose.org
- Department of Health
- Results Washington Opioid Dashboard

#### **Naloxone**

Naloxone is a prescription medication used to reverse opioid overdoses. Naloxone temporarily stops the effects of opioids and is typically administered via injection or a nasal spray. The overdose reversal results in the person waking up and starting to breathe again. This medication:

- Only works on opioids
- Had no effect on someone who has not taken opioids
- Cannot be diverted as a drug of abuse and is not addictive
- Is proven to be safe; adverse side effects are rare
- Can be easily and safely administered by lay persons

Washington has enacted several laws to increase distribution of naloxone, protect lay persons from liability when responding to an overdose. Some laws, known as "Good Samaritan" laws give protections to individuals who respond to overdoses. RCW 4.24.300 provides immunity from civil liabilities when responding in a medical emergency. RCW 69.50.315 further protects both the overdose victim and the person assisting in an overdose from prosecution for drug possession.

Washington's <u>statewide standing order</u> allows anyone to go to the pharmacy that carries naloxone and obtain it without a prescription from their healthcare provider. Organizations that register with the Department of Health can use the standing order to purchase naloxone to have on site for distribution. For more information about this please visit the DOH <u>Overdose Education and Naloxone Distribution webpage</u>.

#### **Legal Protections for individuals using MOUD**

Federal and Washington State law protects individuals taking medications for the treatment of their mental health and substance use disorders against discrimination in a shelter environment. This includes medications specifically for the treatment of opioid use disorder.

Many courts have ruled that people taking medications for the treatment of a behavioral health disorder have a disability and are therefore protected from discrimination.

If a shelter refuses an individual from accessing shelter services because they take prescribed medications for a behavioral health disorder such as medications for the treatment of an opioid use disorder, or they require requiring individuals to stop taking or to change their medication as a condition of attending a shelter that they are otherwise eligible to attend may be discriminatory and could be violating the following federal and Washington State laws:

- The Americans with Disabilities Act (ADA) prohibits most shelters from removing an individual from a shelter, refusing to accept admission to a shelter, or discriminating in the terms and conditions of shelter use against an individual on the basis of a disability.
- Private service providers that offer shelter care but that receive federal grants, contracts or aid must comply with the same non-discrimination requirements conditions noted under the Rehabilitation Act.
- Accordingly, under the Washington Law Against Discrimination ("WLAD"), <u>RCW</u>
   <u>49.60.040(7)</u>, the definition of "disability" covers substance use disorder. If a shelter
   refuses or limits a person from accessing shelter services because they take
   prescribed medications for a behavioral health disorder like opioid use disorder, they
   could be violating the WLAD.

#### 5. Educating Decision Makers

Educating decision makers, including organizations, businesses, and local lawmakers, is a central component to generating the public will needed to prevent and end homelessness. This toolkit focuses on this tactic, in part because this work is often seen as daunting or inaccessible. This is especially true for those who may see themselves lacking certain types of power or knowledge, or who may themselves experience injustices caused by homelessness or housing insecurity.

Meeting with decision makers can fit into many different parts of your work and movement building. Some questions to think about as you incorporate educating decision makers into your overall goals:

- What are you hoping to accomplish?
- Are you looking to begin to build a relationship by introducing your work and sharing the issues you see?
- Do you have a specific goal for the decision maker to accomplish?
- What materials do you need to educate the decision maker if they are unfamiliar with the issue? What if they are a strong supporter?

The Midwest Academy's <u>Strategy Development Chart</u> and the <u>Power Analysis Matrix</u> by SCOPE, which can both be found in <u>Appendix A/B</u> as handouts, may be helpful in determining who you need to target in these conversations, and understanding the stake other players may have in the larger issue.

One helpful way to frame public engagement comes from the Miami Workers Center, whose organizers have developed a model called the Four Pillars of Social Justice Infrastructure, including Pillars of Policy, Consciousness, Service, and Power. <sup>13</sup> In most movements or campaigns, organizers and stakeholders touch upon more than one of these pillars in their work. The "Pillar of Consciousness" involves getting a message to a broader audience,

<sup>&</sup>lt;sup>13</sup> Rickke Mananzala and Dean Spade: <a href="http://srlp.org/files/NPICtransresistance.pdf">http://srlp.org/files/NPICtransresistance.pdf</a>

sometimes through social media or other public education work. The "Pillar of Service" revolves around doing direct service work and making sure that individuals in a given community have their basic needs met. The "Pillar of Power" is about base building and developing leadership. The "Pillar of Policy" is utilized in this toolkit, as it provides examples on creating change through educating decision-making bodies. Many other resources exist that can help your community develop a framework or campaign that is situated more within one of the other Pillars of Power, and several of these resources appear in Appendix A/B of this toolkit.

#### **Know What You Want**

Within the broad goal of ensuring everyone in Washington has access to a safe, healthy, affordable home, more long-term goals and big-picture questions exist. Some examples of questions you might ask yourself and your community include:

- What are the most pressing issues your community faces?
- How do we talk about homelessness?
- Who is included when we talk about homelessness?
- What do we want to accomplish in the next month? The next year?

Identifying your organization's or community's understanding of the challenges it faces can be a helpful first step in articulating these needs to decision makers. As homelessness and affordable housing advocates, you have a powerful perspective about your local community's affordable housing needs. Using stories and anecdotes from people you work with or your own experience is one of the most powerful ways to demonstrate the problems being faced.

When framing a given need, including statistics may be helpful, especially if you name, for example, how many people are experiencing a certain problem. However, using a specific example can help to paint a picture and personalize the challenge being faced.

Decision makers rely on information from knowledgeable constituents. For example, even if you don't have statistics about how many people are affected or the number of people arrested by laws that criminalize homelessness, being able to articulate a growing trend, or even an incident may clarify for a decision maker why there is a problem. Has something particularly unfair or egregious occurred? Has someone been particularly impacted by a certain instance of criminalization? One way to gather stories is to ask your community or coworkers to share their experiences.

**TIP:** Create a saved document of collected stories of your experience or the experiences of people you work with. When you are meeting with a decision maker or putting together information, you have clear examples ready to go.



Susan is a former cement mason. If you've ever been to Safeco Field, you've experienced something that Susan helped build. But a devastating car accident robbed her of her trade, and though she received workers compensation for a few years, it wasn't enough to pay the rent. She scraped together odd jobs for a while, but ultimately, she ended up homeless. She put herself on housing lists, but, because she didn't have steady access to a phone, she often missed the call when it was her turn, and her name would go back to the bottom. She was strapped for cash and often had to make tough decisions. "Sometimes, I had to make a decision to eat that week, or apply for a permanent place to live. A person has to work up to 4 hours for a day to pay for one application." She got connected with Mercy Housing, who helped her get into a home she could afford, and helped her get her life back on track. Since living in a safe and healthy home, Susan has not only held consistent employment, but she's become an incredible advocate. She's working on a tiny homes community project with Love Wins Ministries, in hopes of expanding the movement to provide homes for people who need them.

#### **Framing Your Message**

When talking about your issue(s) with decision makers, it's important to be aware of *how* you are delivering your issue statement or articulating

the challenge being faced. Try asking yourself, or asking within your organization or community, questions that speak to the "frame" or scope of your work.

Consider, for example, how this statement sounds: "Government doesn't understand homelessness."

Compare it to this statement: "Service providers in our community know what works. We have the tools and experience to successfully house people instead of criminalizing them."

TIP: Make sure your message and any asks of the lawmaker fit within the broader goals of your work. Does your advocacy fit on the path to where your organization wants to be?

#### **Addressing Misconceptions of Homelessness**

It's important to keep in mind that decision makers, like all of us, can be stressed, frustrated, or overwhelmed with a given problem. Responding to a negative statement or a myth about homelessness can be difficult. It may illustrate what *can* be accomplished versus statements that say what cannot be accomplished. <u>Facts to Combat Criminalization and Advance Real Solutions</u> gives talking points that further a narrative that is productive to the goal of ending the criminalization of homelessness.

One of the most important jobs of an advocate is developing a relationship with a decision maker whom you don't always, or even rarely, agree with. If you develop a respectful relationship with someone whom you don't agree with, you lay the necessary groundwork to modify or outright change a decision maker's perspective or their voting. A key part of developing a relationship is respectfully addressing myths and stigmas stated during meetings. Ignoring a misinformed statement doesn't allow for honest dialogue. But the fundamental rule is to be respectful and to work toward ensuring future opportunities for education and dialogue.

#### Resist Attempts to Pit Issues Against One Another

Occasionally, decision makers will ask tough questions that try to pit important issues against one another. e.g. "We can only fund housing if we don't fund parks." Or, "what would you like us to cut in order to fund your program?" Instead of responding in a way that minimizes another issue continue to speak in favor of your issue and why it's so important. It's important to focus on what we're building towards, not knock down other issues.

#### Always Have An Ask

It is important to have some kind of request or ask. It can be as soft as asking for the decision maker to attend a board meeting of your organization or to tour an affordable housing complex. It could more directly relate to a position on an issue they will be asked to vote on or if they will work to protect or fund a program. It isn't enough for a decision maker to agree to meet, although a first meeting to introduce a complex issue may be warranted. Just ensure that the ask is to meet again soon to follow up on the possible solutions.

#### **Educating State Lawmakers**

then call or email back.

While this toolkit can apply to working with different types of decision makers, the following section will address the nuts and bolts of educating state lawmakers since they have a central decision making role over the policies and program funding that have profound impacts on homelessness.

There are 147 state lawmakers in the Washington State Legislature, including 49 members in the State Senate and 98 members in the State House of Representatives. One senator and two house members serve each of the 49 legislative districts. Find your legislators here: <a href="mailto:app.leg.wa.gov/DistrictFinder">app.leg.wa.gov/DistrictFinder</a>. You can reach out to any legislator that you want—you are not limited to your district. However lawmakers are often most interested in meeting with people who live, work, or serve people in their home legislative districts. Even so, lawmakers are assigned to serve on legislative policy committees and are often interested in meeting with organizations or stakeholders who are knowledgeable on their policy focus. For example, if you are working with veterans, you may seek out members of the Veterans' and Military Affairs Committee. (You can find the members of this committee at <a href="mailto:leg.wa.gov/JointCommittees/VMA">leg.wa.gov/JointCommittees/VMA</a>.)

Additionally, be open to meeting with decision makers who are champions of the issues you are working on, as well as those who are new to the issues or have not been supporters in the past. Understanding your work as part of a movement requires long-term relationship building, which can require tough conversations.

See <u>Appendix A</u> for more information on researching the committee system and researching your state lawmaker.

Once you've decided to meet with a legislator, you'll need to make a meeting request. A request can be sent to your lawmaker's office. Although state lawmakers are generally very accessible to constituents, you should plan on requesting a meeting or sending an event invitation four to six weeks in advance. To schedule a meeting contact the lawmaker's legislative aid to coordinate. You can find their contact info at: <a href="mailto:app.leg.wa.gov/Rosters/Members">app.leg.wa.gov/Rosters/Members</a>. Generally, either an email or phone call (whichever is listed) will suffice. (See <a href="mailto:Appendix A">Appendix A</a> for a sample email.) Don't get discouraged if you don't hear back right away. There are times, especially during the legislative session, when lawmakers are inundated with calls, emails, and meeting requests. Wait a couple days and

You should be prepared to tell the legislative aid what the meeting topic will be, who will be attending the meeting, and when and where you are able to meet the legislator. (For example, you could schedule a meeting in their home district or in Olympia.) Another option is to invite the lawmaker to an organizational event, such as an open house, member

meeting, board meeting, groundbreaking for new affordable housing building, or another type of community event that showcases your work. Some decision makers may be less familiar with what affordable housing or other similar projects look like. Seeing these projects in their communities may be a helpful point of entry for talking about these issues, may allow for a longer meeting, and can be a great opportunity to leverage social media. See Section 6 (Using Media to Elevate Your Message) for ideas about using social media.

#### Materials to Bring to Your Meeting

- √ A handout with your contact information or a business card
- ✓ Meeting agenda, especially if this will be a large meeting.
- makers who may be ✓ Policy background information, especially a one-pager unfamiliar with what this that gives a clear and plain overview of your issue(s). Bringing the chart on the Cycle of Criminalization (pg. 13) may be a helpful way to give an overview of this issue. Also, the Housing Alliance has many helpful materials on our website: wliha.org.
- ✓ Information about your organization, such as a brochure.
- ✓ Data and local statistics. The National Low Income Housing Coalition's Out of Reach and Gap reports provide state and local data on housing affordability for the lowest income households. Data on criminalization for your county or city can be helpful if available, as well.
- ✓ Success stories from those directly affected by criminalization or other issues.
- ✓ For housing especially, materials that can help educate the decision maker about the intersections of federal, state, and local funding (see the Homeless Response System information in Appendix A for more information).
- √ Be sure to bring extra copies for the legislative assistant, another very important. person to educate.

Meeting with a decision maker is very much worth your time! The Housing Alliance has heard from lawmakers over and over again how important it is to hear from those doing the work and from those who are directly affected by the policies and funding options before them. Strengthening relationships with elected officials at all levels of government is important. Even if you haven't done so before, we encourage you to try!

**TIP:** The Housing Alliance is a great resource for help with planning a meeting with a lawmaker, especially if you have not done so before. Check out:

**TIP:** Site visits where services

are delivered can be a great

place to bring decision



"Your knowledge and insight are so valuable to me, and truly help me be an effective advocate for the programs that are so important for residents across our state...The stories you tell put a face to the issues of affordable housing and homelessness. They serve as an important reminder that the programs for which you advocate represent a lifeline for members of our communities—our neighbors or friends in need."

-Washington Senator Patty Murray<sup>14</sup>

#### Who should attend a meeting with a decision maker?

- People who have directly experienced homelessness and criminalization are powerful speakers and have unique and critical expertise to share with decision makers.
   Sharing your personal story about homelessness and experiences with criminalization can be incredibly effective.
- Service providers and those working at all levels of an organization have valuable insight to share with decision makers. Naming the needs of clients and identifying the gaps that you see can be invaluable. Have you seen the effects that the criminalization of homelessness has had on those you work with? Are there local trends or emerging needs that you see? Sharing your insights can go a long way in educating decision makers.
- Nonprofit board members can draw a direct line from public policy choices to the impact they have on your organization, the people you serve, and your ability to accomplish your mission.
- Local elected officials representing city and county governments can be very effective
  messengers and can help increase the profile of your issue. In particular, local elected
  officials can speak to how homelessness and housing instability impacts other
  systems and resources in your community.
- Community leaders can be great at speaking about the macro impact of homelessness and housing insecurity and larger cyclical problems criminalization can cause in communities.
- Allies and unexpected messengers from outside of homelessness and affordable
  housing sectors can help make connections between these and other issues. Think
  about bringing health care workers, teachers, those who work in emergency services
  or public safety, etc. Who might be able to speak to the effects of criminalization, for
  example? Unexpected messengers can help decision makers make connections and
  better understand the scope of the problem. (For example, an emergency worker who
  can speak to the long term effects of a person sleeping on the street and the cost of
  providing them with emergency services as opposed to providing housing.)

See <u>Appendix A</u> for more information on all the ways nonprofit organizations can connect with lawmakers.

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<sup>&</sup>lt;sup>14</sup> Senator Murray provided permission to use this quote.



"It is really important to share what you know about affordable housing and homelessness with decision-makers in your state. Unless we hear from people with first-hand knowledge, we end up making decisions with the best information available, but without the voice of people who really understand the day-to-day struggle of homelessness. Your voice, over and over again, is necessary to help us understand the best direction for policy. Don't give up. Keep telling your story to every decision maker you can. It will make a difference."

Senator June Robinson, 38th Legislative District 15

#### **Ensure Everyone Agrees on the Same Message and the Same Ask**

Once you have identified who will attend your meeting, it is critical to coordinate with each other prior to the meeting with the decision maker. You will want to make sure that everyone is on the same page regarding the goal of the meeting, everyone understands what their role is during the meeting (what they will speak about), how much time they have, and that everyone has all of the background materials they need. We highly encourage you to meet beforehand to prepare, coordinate, and practice what you will say. Consider writing out and practicing your talking points so you feel confident and cover everything you want to during the meeting.

See Appendix A/B for a Checklist for Planning a Lawmaker Meeting.

#### 6. Using Media to Elevate Your Message

Media can be a very powerful tool for changing the narrative surrounding homelessness and building an inclusive movement. Every single person you know is influenced by the media one way or another. The key is knowing when and how to use it.

Media is many things – television, radio, newspapers, blogs, Facebook, Twitter, Instagram, etc. Every one of these media platforms serves a different purpose, reaches a different audience, and can effectively carry your message to whomever you're trying to reach.

#### Who is my audience?

The most important thing to identify is "who is my audience?" Your audience will determine which media platform(s) to use. For instance, are you trying to influence a legislator? Then, newspapers or radio are good platforms. Are you trying to engage like-minded people in your movement? Then social media is a good tool. Are you trying to change public opinion? Then your message needs to be on every media platform possible.

**TIP:** Use your own media consumption habits, as well as those of your friends, family, and especially, people who consume media *differently* than you, to help guide your decision about how to best reach your intended audience. Once you've decided *who* you want to reach, then you can decide *how* you want to reach them.

<sup>&</sup>lt;sup>15</sup> Senator Robinson provided permission to use this quote.

#### Social Media

Social media has proven itself to be a powerful and important tool in changing narratives and growing movements. Virtually everyone is on social media in one way or another — lawmakers, their staff, reporters, news outlets, organizations, and like minded people. You can use social media for just about anything: telling your personal story, recruiting people to your movement, promoting news stories about your issues, starting conversations with news outlets and other organizations, or producing your own content.

Twitter is a great tool for quickly sharing information such as an article published with your message in it, or a bill that just got passed. It can be organized using hashtags, so that all tweets that fall in a certain category can be seen together. "Live tweeting" can be a helpful tool during an event, so that the message can spread to people who are not in attendance. Think of Twitter as a way to share "breaking news". Follow the Housing Alliance Twitter account @WLIHA.

Facebook is better for "bulletin board" type message sharing. Your messages can be longer, contain more detailed information, and it will show up in your followers' news feeds over the course of hours or sometimes days, so there is opportunity for more people to see it and share it. Many people use both Facebook and Twitter, but there is also a large contingent who only monitor one or the other.

#### **News Media**

News reporting outlets are famously understaffed these days, so getting the attention of a reporter to cover your story can be difficult if you don't already have a relationship. One of the best ways to reach reporters working in TV, radio, newspapers and blogs is to write a press release advertising your event, positioning statement, a new report or whatever "news hook" you have to pique their interest. Do your homework and target your press release to a specific reporter who you know covers housing and homelessness issues. Personalize it so it doesn't look like a blast that went out to the masses. Then, follow up the next day with a phone call, message on Facebook, or tweet at them to start a dialogue. Reporters get dozens of press releases a day, you have to work hard to make yours stand out.

**TIP:** Remember: Reporters are people too. Your pitch has to be interesting, multilayered (for example, it includes a personal story to accompany data) and most importantly, it must be timely. If you don't give them a reason why your story should be printed *right now*, they'll find another story to write.

If you can't get a reporter to cover your story for the audience you're targeting, try writing an op-ed or letter to the editor for a newspaper or blog in your area.

Opinion editorials are typically 600-700 words (depending on the publication) and are an opportunity to talk in detail about the issue you are trying to educate your audience about. It must be thoughtful and informative, and written by a figure of authority, like the executive director of a non-profit organization, or an elected official.

Letters to the Editor can also be effective depending on the audience you're trying to reach. LTEs are typically 200 words (depending on the paper) and are written in response to a published article, or lack of coverage on an issue. Like op-eds, LTEs need to be thoughtful and well written in order to get published, and work best when they are making the case for a point of view that hasn't already been published in that paper. LTEs and op-eds are often how papers achieve a "fair and balanced" perspective.

TIP: Though this is a dying form of actually moving public opinion, lawmakers still read LTE's from their constituents. Effort should only be put into LTEs if you're trying to move a particular lawmaker, and you must get it published in the paper of record in their district.

The key is to know your audience and have a presence wherever they are. There is so much information flying around, and so many places to get it, it's hard to cut through all that noise. Remember, people don't dig deep to seek out information anymore. Your message has to show up where they are already looking. For any media campaign, you must adapt your message frame for a variety of platforms to be sure you are reaching everyone you can. Be simple, clear, and concise, and then repeat.

#### **Changing the Narrative**

In order to change the narrative around homelessness, it's first important to know that you may encounter people who have absorbed myths and stereotypes. Even people sympathetic to the cause may harbor questions or opinions stemming from stereotypes and misunderstandings. Practicing how to respond is key, both in terms of fostering a lasting relationship with the decision maker and in making sure they have a full understanding of the issue at hand. An important thing to remember is to not restate the myths and stereotypes that you're responding to, but rather further your own, more powerful message. Research has shown if you restate a myth before de-bunking it, not only will the myth stay in the audience's minds, but they will associate this myth with you<sup>16</sup>. Re-framing the conversation into a narrative that points to effective solutions is the first step towards reframing the public narrative, and changing people's minds about the criminalization of homelessness.

Given the long history of racial inequities within the United States' housing and criminal justice system, it is also important to put the systemic racism that has created these inequalities in the criminalization of homelessness at the forefront of your argument. Furthering the race-class narrative by addressing racism as a major factor in criminalization policies, framing racism as a tool that those in power use to divide, and connecting unity to racial justice and economic prosperity for all <sup>17</sup> powerfully convinces people who may have been undecided on the issue of homelessness by furthering a positive path forward.

Values-based talking points are also helpful. These are short, succinct statements that open a door to a longer talking point with statistical evidence or further explanation. For example, many of us have heard a person in power say, "Homelessness is a choice." A useful short response could be: "Everyone deserves the opportunity to live in a safe, healthy, and affordable home." Then, follow this up with, "Nobody wants to be homeless. Individuals and

<sup>16</sup> https://www.opportunityagenda.org/explore/communications-toolkit

<sup>17 &</sup>quot;Race-Class Narrative Messaging Resources," DemosAction, https://demosaction.org/raceclass-narrative

families do not choose a life without stable housing. But sometimes there are barriers to housing and services that are hard for us who are not experiencing homelessness to see."

The <u>Facts to Combat Criminalization & Advance Real Solutions</u> factsheet provides more examples of facts that can help change the narrative surrounding homelessness in Washington State. You can add to the sample answers or personalize them in a way that feels comfortable for you. We highly recommend practicing with a friend or coworker. It is very helpful in preparing for a meeting with a decision maker. The criminalization of those who are homeless is often based on myths and stereotypes that we know are not accurate. Having tough conversations is part of shifting our responses to these issues as a community.

#### Closing

Chronic homelessness is a very visible issue facing communities across Washington, and brings with it a complex set of challenges: complex health conditions are often exacerbated by a lack of access to preventative care, prolonged time living on the street with exposure to weather and dangerous situations, and spending time in and out of institutional settings like jails, psychiatric centers, and detox facilities. Mental and physical disabilities are often central factors in chronic homelessness and are often exasperated or complicated with new conditions caused by exposure and lack of access to housing and health services.

Responding to a systemic condition by criminalizing the behaviors of individuals is not only an ineffective solution to curbing homelessness, it is harmful—negatively impacting physical and mental health outcomes, perpetuating existing disparities in homelessness and incarceration among people of color, LGBTQ people, veterans, people with disabilities, and others, and increasing the likelihood that an individual will remain trapped in the cycle of chronic homelessness. We must look at the broader systems at play, especially the policies and laws that specifically affect homeless and low-income people in a given community or across the state.

Everyone has a role to play in the movement to end homelessness in Washington. Regardless of your specific experience, you can help educate decision makers about homelessness. Decision makers greatly benefit from hearing from people with different backgrounds and lived experiences, including service providers who work directly with those experiencing homelessness, caring community members, and people who are experiencing homelessness themselves. Many resources are available in the <a href="Appendix">Appendix</a>, and the Housing Alliance is available to support your advocacy efforts.

#### **Appendix A: Resources**

#### Advocacy

For more advocacy resources, including a list of State Legislative priorities and issue factsheets, visit the <u>Washington Low Income Housing Alliance</u> online or call 206-442-9455 to talk to an organizer.

#### **Criminalization and Constructive Alternatives**

For an overview of local ordinances in Washington State that criminalize homelessness, see <u>Washington's War on the Visibly Poor: A Survey of Criminalizing Ordinances and Their Enforcement</u> by Seattle University. More publications about the criminalization of homelessness are available online through SAMHSA Library.

For examples of alternatives to criminalization and various policy approaches, see:

- <u>Searching Out Solutions: Constructive Alternatives to the Criminalization of</u> Homelessness
- No Safe Place: The Criminalization of Homelessness in U.S. Cities

#### **Medications for Opioid Use Disorder**

<u>Civil rights and responsibilities in Washington, refer to the Civil Rights Resource</u> Guide

Federal civil rights protections:

- Drug Addiction and Federal Disability Rights Laws Fact Sheet
- Civil Rights and the Opioid Crisis
- Know Your Rights

The Washington State Human Rights Commission - Toll Free: 1-800-233-3247, TTY: 1-800-300-7525, or visit <a href="https://www.hum.wa.gov/discrimination-complaint">www.hum.wa.gov/discrimination-complaint</a>

The Attorney General's Office Consumer Protection Division - Toll Free: 1-800-551-4636, or visit: https://www.atg.wa.gov/file-complaint

University of Washington's Alcohol and Drug Institute (UW ADAI) brochure on Opioid Use Disorder Medications:

http://stopoverdose.org/docs/oudmedications.pdf

University of Washington's Alcohol and Drug Institute (UW ADAI) brochure on Responding to an Opioid Overdose:

http://stopoverdose.org/docs/OpioidOverdose.pdf

US Department of Health and Human Services "Are You in Recovery from Alcohol or Drug Problems? Know Your Rights- Rights for Individuals on Medication- Assisted Treatment":

https://atforum.com/documents/Know Your Rights Brochure 0110.pdf

This publication may also be downloaded or ordered at: <a href="http://www.samhsa.gov">http://www.samhsa.gov</a>
 Or, please call SAMHSA's Health Information Network at 1-877-SAMHSA-7 (1-877-726-4727) (English aEspañol).

**ATG** Know Your Rights - Medications for Opioid use Disorder (Flyer in English):

#### https://agportal-

<u>s3bucket.s3.amazonaws.com/uploadedfiles/Another/Supporting Law Enforcement/KnowYourRights-Opioid-Tx english.pdf</u>

ATG Know Your Rights - Medications for Opioid use Disorder (Flyer in Spanish)

Conozca sus derechos y responsabilidades - Medicamentos para el trastorno por
consumo de opioides (Documento)

https://agportal-

s3bucket.s3.amazonaws.com/uploadedfiles/Another/Supporting Law Enforcement/kn owYourRights-Opioids-Tx spanish.pdf

#### Factsheets [this section in the online version only]

NLIHC's Out of Reach Report NLIHC's Gap Report

#### Organizing Resources:

Cycle of Criminalization of Homelessness

Strategy Chart from Midwest Academy

Power Analysis Tool from Strategic Concepts in Organizing and Policy Education (SCOPE)

#### Media & Messaging:

Media Resources for Reaching Your Audience

Facts to Combat Criminalization & Advance Real Solutions

#### Moving Your Lawmakers:

Checklist for Planning a Lawmaker Meeting

#### Housing Affordability and Homelessness in Washington

For local information on housing affordability see the <u>National Low Income Housing Alliance's</u> <u>Out of Reach Report for Washington</u>. Here you can find local statistics and information that can be used to help educate the community and local officials.

For an overview of the homeless response system in Washington State, see <u>Housing for Homeless Individuals With Mental Illnesses and Co-Occurring Substance Use Disorders</u> by DSHS and the Washington Low Income Housing Alliance.

#### **Legislative Resources**

You can leave a toll-free message for your state elected officials via the State's Legislative Hotline at 800-562-6000.

The <u>Legislative Information Center</u> provides information about the Legislature and the legislative process, including free training, tours of the capitol campus and resources to help navigate how a bill becomes law. You can also call their office with questions at 360-786-7573.

More resources can be found at the Washington State Legislature online.

#### **Media and Messaging Resources**

See the <u>Fact Sheets</u> section at the end of this appendix for a Facts to Combat Criminalization & Advance Real Solutions factsheet to help advocates reframe the narrative on homelessness.

Follow the Washington Low Income Housing Alliance on <u>Facebook</u>, <u>Twitter</u>, and <u>Instagram</u>, and don't forget to check out our <u>blog</u> for regular policy updates and analysis.

#### Nonprofits and Lobbying Rules

For information on lobbying rules for nonprofit organizations, see the Alliance for Justice's Bolder Advocacy Initiative, which include resources such as:

- Being a Player: A Guide to IRS Lobbying Regulations for Advocacy Charities
- Public Charities Can Lobby

#### Researching a State Legislative Committee

Below is an example of what you can see on each State Legislative Committee's webpage, including members, staff, operating procedures, meeting notes and materials, reports from the committee, and notice of upcoming committee meetings. (Note that many local governments also have helpful information on their websites including committee members, meeting agenda and materials, vote counts, and more.)

#### Senate Ways & Means Committee

Legislature Home > Senate > Committees > Ways & Means

The Senate Ways and Means Committee considers the operating and capital budget bills and related legislation, including the authorization of state debt. The committee also deals with tax policy and other fiscal issues such as pension policy and compensation in addition to bills with operating budget fiscal impacts.

Senate Ways and Means Committee staff are part of Senate Committee Services, the organization which provides nonpartisan staff services for all standing committees of the Washington State Senate.

(Please note: This general description should not be considered the definitive listing of issues considered by this committee.)

Committee Schedules, Agendas, and Documents

See all Ways and Means meeting videos from the current year

#### 2019/2020 Highlights

Ways & Means Briefing Book Committee Passed 2019-21 Capital Budget

To see the members of a committee, go to <u>leg.wa.gov</u>. Click on "Committees" on the right side of the page where you will be able to link to all the committees. During the legislative session (usually January - March or April each year) any committees that have meetings that day will be listed on the legislative home page. You can see the agenda for each meeting by clicking on the accompanying agenda link.

#### **Researching Your State Lawmaker**

You can learn about legislators by browsing the <u>Member Roster</u> for their webpage. Here you can read their biographies, learn what committees they serve on, their voting record, and what bills they are sponsoring. Having some background information about the person you are meeting with can help you plan and refine your meeting goals. This is true for any decision maker you are meeting with, not only state lawmakers.



Representative Olympia Offic Melanie Morgan (D)
Deputy Majority Floor Leader 29th Legislative District
Olympia, WA 9

Olympia Office 417 John L. O'Brien Building PO Box 40600 Olympia, WA 98504 (360) 786 - 7906

Committees
Housing, Community Development &
Veterans (Vice Chair)
Capital Budget
Commerce & Gaming

<u>Detai</u>

**Email** 

Click on the "Details" button to reveal the legislator's voting record by session year and bill sponsorship.

Voting Record Bill Sponsorship Print Quality Photo
(Will open a new tab)
2020
2019

To request public records from Representative Morgan, please contact Samina Mays who is the designated public records officer for the Chief Clerk and members of the House.

Using Representative Melanie Morgan's listing, we can see the following:

Legislative District: 29th.

- Committee Assignments: Community Development; Housing, Community Development, and Veterans(of which she is the Vice Chair); Capital Budget; Commerce and Gaming Rules
- She has an office location both in Olympia and in her home district. (A legislator's home district can be a great place for meetings between legislative sessions, either in their office or at an affordable housing site.)
- Her voting record and bill sponsorship.
- Website, biography, and email contact.

#### Resources for People Experiencing Homelessness or In Need of Services

<u>2-1-1</u> is a free and confidential service that helps people find local resources they need, including housing and utility assistance, food assistance, health care, crisis and emergency services, and veterans services, among others. It is available 24 hours a day, 7 days a week.

If someone is homeless or about to become homeless, there are different organizations to contact depending on where they're located. There are organizations in each county who can help. Commerce maintains a <u>list of the Coordinated Entry access points</u> that can help guide them to their access point.

For people looking for an affordable home, they can find the housing authority in their area by going to this website: <u>Find a Housing Authority</u> or they can search for an affordable home on aptfinder.org.

Visit <u>Washington Law Help</u> to find many helpful resources on your rights, including tenants rights, rights to public benefits, consumer and debt relief, and more.

If you're looking for resources to guide you relating to housing discrimination see <u>Fair Housing Center of Washintgton</u> if you live in either Western or Eastern Washington. If you live in Eastern Washington, another resource is <u>NWFHA</u>.

The <u>Tenants Union of Washington</u> provides extensive resources on tenants rights, including rental agreements, local laws, housing repairs, utilities, eviction and foreclosure, as well as low income housing resources and more. Resources are available on their website in English, Somali, Spanish and Vietnamese.

<u>Solid Ground's Housing Counseling Services for Tenants</u> help families and individuals maintain permanent and reliable rental housing, providing tenants with the resources and tools they need to prevent eviction and ensure housing stability. While Solid Ground does not have attorneys on staff and cannot provide legal advice, they can help you understand your rights and responsibilities as a renter.

Veterans specific resources can be accessed at:

- <u>NW Justice Project's Veterans Project</u>: provides free legal services to financially eligible low income and homeless veterans for civil (not criminal) legal problems that are barriers to housing, employment, and self-sufficiency
- Washington State Department of Veterans Affairs
- Washington State Attorney General

Voting rights in Washington State:

- For information on registering to vote while homeless, see the <u>Homeless Voters</u>
   <u>Information Guide</u> by the Seattle/King County Coalition on Homelessness. Note: some of this information is King County specific, but most of it is applicable to the whole state.
- For information on voting rights restoration for felons, see the ACLU's <u>Frequently</u>
  Asked Questions About Voting Rights Restoration in Washington

#### Scheduling a Meeting with Your Lawmaker

You can request a meeting with your lawmaker by phone or email. If you make an email request, send it to your lawmaker's legislative aide. You can find the LA's contact information in the State Legislature's <a href="Member Roster">Member Roster</a>.

#### Sample email:

From: <a href="mailto:youremail.com">youremail.com</a>
To: firstname.lastname@leg.wa.gov

Subject: Meeting request from [Your name or organization]

Hello,

I'd like to request a meeting with [Senator or Representative's Name] in order to talk about [Bill or local community issue]. I will have [#] people joining me at the meeting and we would ideally like to meet by [Date]. Does [Senator or Representative's Name] have any time available to meet with us before then?

I can be reached at [Your phone number].

Thank you for your assistance, [Your name]

#### **Appendix B: Factsheets**

#### **National Low Income Housing Coalition Reports**

Washington State Housing Profile Out of Reach Report

#### **Organizing Resources**

Midwest Academy Strategy Chart Cycle of the Criminalization of Homelessness Power Analysis Tool, from Strategic Concepts in Organizing and Policy Education

#### Media & Messaging Resources

**Moving Your Lawmakers**Checklist for Lawmaker Meetings

### 2020 WASHINGTON HOUSING PROFILE



Across Washington, there is a shortage of rental homes affordable and available to extremely low income households (ELI), whose incomes are at or below the poverty guideline or 30% of their area median income (AMI). Many of these households are severely cost burdened, spending more than half of their income on housing. Severely cost burdened poor households are more likely than other renters to sacrifice other necessities like healthy food and healthcare to pay the rent, and to experience unstable housing situations like evictions.

SENATORS: Patty Murray and Maria Cantwell

221,795
OR
21%
Renter Households that are extremely low income

\$26,440

Maximum income of 4-person ktremely low income households (state level)

-153,260
Shortage of rental homes affordable and available for extremely low income renters

\$63,352
Annual household income needed to afford a two-bedroom rental home at HUD's Fair Market Rent.

Percent of extremely low income renter households with severe cost burden

# EXTREMELY LOW INCOME RENTER HOUSEHOLDS In Labor force Disabled Senior Other School Single caregiver

Note: Mutually exclusive categories applied in the following order: serior, disabled, in labor force, enrolled in school, single adult categore of a childrender 7 or a person with a disability, and other 9 these present of externely love incorne restret households included a single adult category, more than half of whom usually work more than 20 hours per week. Eleven persent of extremely love-incorne enter households can entrolled in achieval, 48% of whom usually such more than 20 hours per seek. Scauce: 2018 ACS PUMS

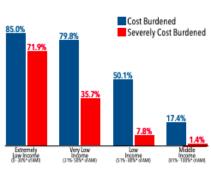
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Source: NUHC tabulations of 2018 ACS PUMS.

Updated: 07/13/2020

1000 Vermont Avenue, NW, Suite 500, Washington, DC 20005 WWW.NLIHC.ORG

#### HOUSING COST BURDEN BY INCOME GROUP



Note: Renter households spending more than 30% of their income on housing costs and utilities are cost burdened; those spending more than half of their income are severely cost burdened. Source: NUHC tabulations of 2018 ACS PUNIS.

Extremely Low Income = 0-30%\* of AMI Low Income = 51-80% of AMI Note:\*Or poverty guideline, if higher.

Very Low Income = 31%\*-50% of AMI Middle Income = 81%-100% of AMI

## WASHINGTON

#6\*

In Washington, the Fair Market Rent (FMR) for a two-bedroom apartment is \$1,584. In order to afford this level of rent and utilities — without paying more than 30% of income on housing — a household must earn \$5,279 monthly or \$63,352 annually. Assuming a 40-hour work week, 52 weeks per year, this level of income translates into an hourly Housing Wage of:

\$30.46
PER HOUR
STATE HOUSING
WAGE

#### FACTS ABOUT WASHINGTON:

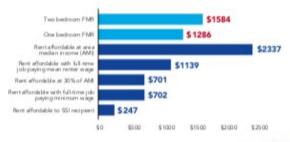
STATE FACTS		
Minimum Wage	\$13.50	
Average Renter Wage	\$21.90	
2-Bedroom Housing Wage	\$30.46	
Number of Renter Households	1,043,871	
Percent Renters	37%	

MOST EXPENSIVE AREAS	HOUSING WAGE
Seattle-Bellevue HMFA	\$40.37
Portland-Vancouver-Hillsboro MSA	\$28.75
Tacoma HMFA	\$27.08
Bremerton-Silverdale MSA	\$24.92
San Juan County	\$23.69

MSA = Metropo itan Statistic A Area. HAVFA = HUD Metro FMR Area.
\* Banked from High est to Lowest 2-Bedroom Housing Wag o Indu des District of Columbia and Puerto Rico.

OUT OF REACH 2020 | NATIONAL LOW INCOME HOUSING COALITION



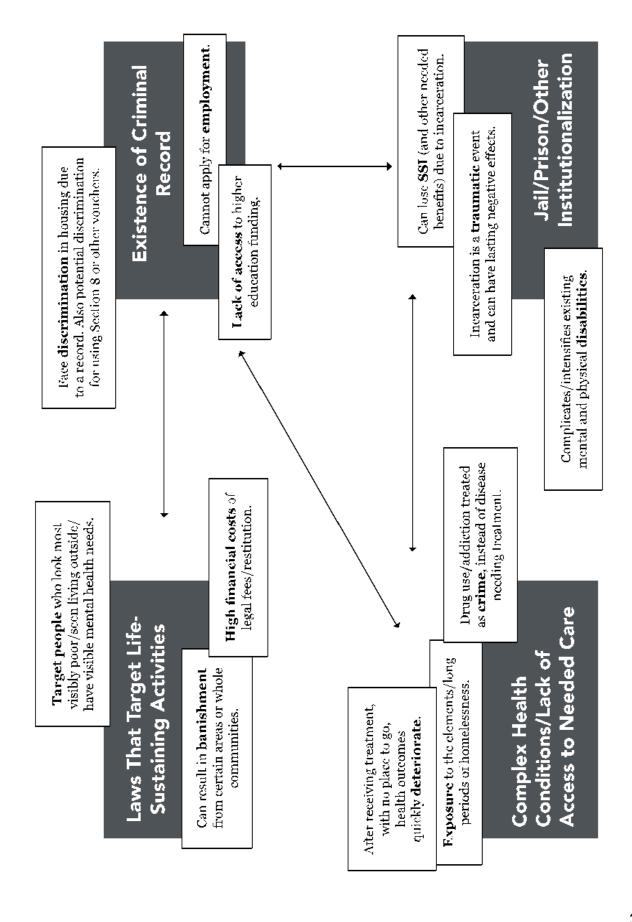


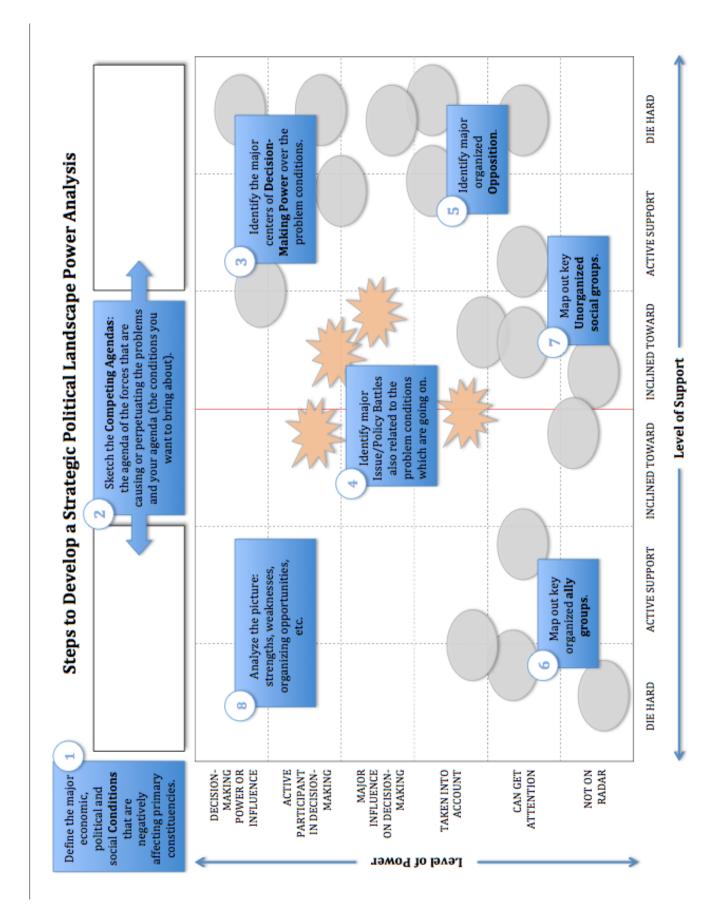
WA-1

# Midwest Academy Strategy Chart

After choosing your issue, fill in this chart as a guide to developing strategy. Be specific. List all the possibilities.

For each target, list the tactics that each constituent group can best use to make its power felt.  Tactics must be In context. Flexible and creative. Directed at a specific target. Make sense to the membership. Be backed up by a specific form of power.  Tactics include Media events Actions for information and demands Public hearings Strikes Voter registration and voter education Lawsuits Accountability sessions Elections Negotiations
1. Primary Targets that A target is always a person. It is never an institution or elected body.  • Who has the power to give you what you want? What power do you have over them?  2. Secondary Targets  • Who has power over the people with the power to give you what you want? Targets what power to give you what you want? Targets what power do you have over them?
1. Who cares about this issue enough to join in or help the organization?  • Whose problem is it? • What do they gain if they win? • What risks are they taking? • What power do they have over the target? • Into what groups are they organized?  2. Who are your opponents? • What will your victory cost them? • What will they do/spend to oppose you? • What will they do/spend to oppose you? • How strong are they? • How strong are they?
List the resources that your organization brings to the campaign. Include money, number of staff, facilities, reputation, canvass, etc.  What is the budget, including in-kind contributions, for this campaign?  List the specific ways in which you want your organization to be strengthened by this campaign. Fill in numbers for each:  Expand leadership  Expand leadership  Lincrease experience of existing leadership  Build membership base  Expand into new constituencies  Raise more money  Alist internal problems that have to be considered if the campaign is to succeed.
1. List the long-term objectives of your campaign. 2. State the intermediate goals for this issue campaign. What constitutes victory? 4. Win concrete improvement in people's lives? 5. Give people a sense of their own power? 6. Alter the relations of power? 7. Alter the relations of power? 8. What short-term or partial victories can you win as steps toward your long-term goal?





#### **Resources for Reaching Your Audience:**

The links below are great resources for guidance on messaging around housing justice issues.

The Opportunity Agenda Communications Toolkit

**Housing Narrative** 

The Frameworks Institute - Housing

# Facts to Combat Criminalization & Advance Real Solutions Building a New Public Narrative of Homelessness in Washington

How is homelessness criminalized? The criminalization of homelessness occurs when governments choose to remove visibly homeless people from shared public spaces instead of offering services. It treats life-sustaining activities like sitting, sleeping, and eating as illegal. When community leaders or others talk about ridding the streets of homeless individuals, often they are referring to those who are experiencing chronic homelessness, as they are typically the people who look most visibly poor.

Why is criminalization an <u>ineffective response to chronic homelessness?</u> Criminalization feeds directly into the cycle of chronic homelessness. Individuals are arrested for minor infractions and may spend time in jail, which exacerbates behavioral health issues and results in criminal records, making securing a home and/or a job much harder. Additionally, criminalizing behaviors like sitting or lying effectively create zones of exclusion from public areas. This creates an impossibility of existence, where simply living and being may be criminalized. These policies also perpetuate existing racial disparities and have disparate impacts on other already marginalized groups including LGBTQ people, people with disabilities, and veterans.

**FACT:** A homeless life is not a comfortable one. **Homelessness is dangerous, stressful, and humiliating.** Some people who are homeless choose to sleep on the streets rather than in shelters because they are unsettled by shelter conditions and noise, the only shelter space available conflicts with their religious beliefs. Very few choose the streets over a residence they could call home. Certainly, children do not choose homelessness, nor do victims of domestic violence, which is the leading cause of homelessness among women.

**FACT:** A person who is homeless is no more likely to be a criminal than a housed person, with one legal exception of camping ordinances. A person who is homeless is less likely to perpetuate a violent crime than a housed person, and in fact **people experiencing homelessness are more likely to be the victim of a violent crime**, especially if they are a homeless woman, teen, or child.

**FACT: Conditions in our own communities create and sustain homelessness**. Client records from All Home (which coordinates homeless services among King County cities, nonprofits & religious institutions) show that 85–90% of people accessing services in King County became homeless in King County.

FACT: There isn't enough shelter space for people to go to. The National Law Center on Homelessness and Poverty's *No Safe Place* report states: "There are fewer available shelter beds than homeless people in major cities across the nation. In some places, the gap between available space and human need is significant, leaving hundreds or, in some cases, thousands of people with no choice but to struggle for survival in outdoor, public places." In addition, the wages of low-income households continue to decline as rents rise. In Washington, a worker must now earn at least 2 times the minimum wage to afford a 2-bedroom apartment. In Washington, 72% of extremely low-income renter households pay more than half their income for rent, putting them at significant risk of homelessness. Even when low-wage workers can afford to pay for rent, they often cannot save enough to pay move-in costs, which traps them in time-limited transitional housing, or in outright homelessness. Landlords often demand steep deposits and tenant screening reports, while negative credit histories and eviction records bar too many from renting at all.

**FACT:** Drug use and addiction are conditions in need of treatment, and people experiencing homelessness who are battling drug use and addiction are usually the most vulnerable among the homeless population. They are the most in need of housing and services to escape chronic homelessness and recover. When people have access to housing, treatment services,

healthcare, and other support services, they show fast progress establishing healthy, stable lives.

**FACT**: It is less expensive to house a person who is homeless than the taxpayer costs associated with criminalization and emergency service use living on the street. A Seattle study published in the Journal of the American Medical Association found that the yearly cost to house 95 tenants in a local permanent supportive housing program was 53% less than the yearly cost of services when that same group was homeless. In addition, the group's emergency costs declined by 73% in the two years after the program's launch.

**FACT:** Homelessness is a systemic failure. It is caused by economic and structural conditions like lack of affordable housing, high cost of living, low-wage jobs, lack of access to health care, and mental health treatment & chemical dependency treatment services. Public policy is the leading cause of homelessness. Building more affordable housing, raising the minimum wage, and providing access to health services are just a few of the remedies that require effective public policy and adequate funding.

**FACT:** Homelessness is solvable. We simply must invest fully and consistently in the right solutions. Housing-First is a proven approach to ending chronic homelessness. It prioritizes stable housing as a person's primary need, while also providing services to address behavioral health, addiction, or other issues people may be struggling with. In this model, housing is not a reward for good behavior, it is a necessity to access treatment and get better. Permanent Supportive Housing is proven to reduce chronic homelessness.

# The story we tell about homelessness determines which solutions we work toward.

Criminalization policies are built on pervasive myths about homelessness and poverty—some of which, contradict each other and yet are still believed to be true by many people. Left unchallenged, these myths can fuel criminalization efforts and hinder real solutions to prevent and end homelessness. Advancing a better public narrative is a critical part of advancing better public policy.

Re-framing the conversation into a narrative that points to effective solutions in the first step. This is important because research has shown if you restate a myth before de-bunking it, not only will the myth stay powerful in the audience's minds, but they will associate this myth with you. As you become more comfortable having these conversations, it will become easier to recognize how statements frame a conversation in one narrative or the other. You can reframe a difficult conversation by leading with values, such as "everyone should have the opportunity to live in a safe, healthy, affordable home."

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#### Changing the Narrative on Homelessness



# Homelessness is a Systemic Failure.

The systemic narrative says people become homeless for economic & structural reasons like lack of affordable housing & high cost of living, low-wage jobs, and lack of access to health care & treatment services. It underscores that we all have a role in solving homelessness.



#### Solutions:

Ensure adequate affordable housing to meet needs of low income people and prevent homelessness. Provide housing tied to services for those experiencing homelessness.

## Impact on People Who Are Homeless & the Broader Community:

- Improved physical & mental health outcomes
- → Reduced emergency resource use
- → Reduced chronic homelessness
- Less expensive than incarceration & civil action

This factsheet is part of an **Advocacy Toolkit to Combat the Criminalization of Homelessness** by the Washington Low Income Housing Alliance, with support from the Washington State Department of Social and Health Services BRIDGES Program (Bringing Recovery Into Diverse Groups through Engagement and Support). Access the full toolkit, including more factsheets like this, at **wliha.org/advocacy-toolkit**.

#### Checklist for Planning a Lawmaker Meeting

#### Before the Meeting:

- ✓ Designate someone to greet the decision maker and introduce them to the key people at your meeting, (especially important if you are hosting a large event).
- ✓ Welcome the decision maker to the space if the meeting is not in their office.
- √ The person greeting should know what the decision maker looks like. Their webpage will have a picture of them. (See the previous section on looking up a legislator's webpage.)

#### During the Meeting:

- √ Begin with introductions of everyone in the room, having each attendee introduce themself with their name, relevant organizational affiliation, and how they are connected to the lawmaker's district. For example, do you live there and/or work there, and/or serve people there?
- ✓ If you do not have a direct connection to the district, identify the particular knowledge or experience that you have about the issue. For example, you study laws that criminalize homelessness.
- ✓ Introduce the issue and be sure to ask if the decision maker is familiar with it. This will help you assess how much background information to give. Even if they say they are familiar with the issue, you should make the key points you want to share.
- ✓ Briefly and succinctly explain the issue. Explain why it is important and how it impacts you and your family (if relevant).
- √ Lead with values. For example: "Everyone should have the opportunity to live in a safe, healthy, and affordable home."
- √ Share anecdotes from those directly affected and direct service providers.
- √ Share relevant data. See state and local data in NLIHC Out of Reach and Gap reports.
- √ Share information on cost savings and returns on investments if relevant.
- √ Create time during the meeting to clarify questions the decision maker might have or if they need more information.
- √ Remember to stay on-topic and revisit your main goal if necessary to remind yourself/the decision maker.
- ✓ Always have an ask for the decision maker (best made toward the end of the meeting, after you give background information). Sample asks:
  - A commitment to talk to the key budget writer to ensure the budget item is prioritized.
  - Vote a specific way on a bill.
  - Speak about the issue to other specific decision makers.
- ✓ If the decision maker seems hesitant or opposed to your issue, consider asking them what questions they have and if they would meet again to talk more.
- ✓ Make sure to leave something behind with your contact information.

#### After the Meeting:

- ✓ Debrief with fellow participants (discuss effectiveness of talking points, roles you played).
- √ Identify next advocacy steps.
- ✓ Send decision makers any materials you committed to send.
- √ Follow up on any questions asked that you did not answer.
- ✓ A great way to remind the lawmaker (and any decision maker) about the issues discussed during the meeting is to take a group picture with the lawmaker and include it in a thank you card.