

**Evicted and Criminalized in the Land of the Free:
A Case for Human Dignity and the Right to Adequate Housing
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Homelessness has often been portrayed as an obscene occurrence—obvious to many yet ignored by others. The United States Department of Housing and Urban Development defines homelessness as an individual(s) who lacks a fixed, permanent, and adequate nighttime residence (De Sousa, 2022, p.4). Being unhoused is an experience that is unique to each person who endures it. Consequently, the discourse surrounding homelessness has taken on various forms. Extensive research has been conducted on the extent and causes of homelessness. However, far less research has been conducted on the criminalization of homelessness, and even fewer studies have examined the dignity rights of the unhoused. This essay addresses this gap by analyzing the impact of poverty and homelessness on an individual's dignity. Additionally, it addresses both the legal and non-legal discourses that contribute to the complexities of homelessness.

Homelessness is an issue that is particularly visible in our nation's largest cities: New York City and Los Angeles. It is paramount to discuss the historical forces that have shaped homelessness, emphasizing the societal impacts that have led to the growing mass of unhoused individuals. Through an examination of court cases, legislation, and zoning ordinances in New York and California, my research examines how laws have vacillated between recognizing housing as a right and providing care and protection on the one hand and treating homelessness through punitive measures on the other. This paper argues that homelessness is not an individual misfortune but rather a systemic issue that is further worsened by punitive measures like the criminalization of homeless populations. The punishment approach has widespread impacts and disproportionately burdens disadvantaged communities, stripping people of dignity. In the first section, I will discuss historical developments across different time periods to illustrate shifts in homelessness and the factors that shaped its rise and decline. Homelessness has been an issue for centuries and has taken on many forms. It is essential to examine the historical, economic, and societal events that ultimately led to the perennial continuity of the mass number of unhoused individuals.

The next section will focus on recognizing the dignity of the homeless population. The research on homelessness has focused on relevant and necessary matters, yet the general subject matter has disregarded the lives of homeless individuals and how they experience their ways of living. People experiencing homelessness have their unique culture, where specific strategies and experiences for survival on the streets are shared amongst them (Bhattar, 2021). In recognizing someone's dignity, one recognizes the value of a person on the premise of their being human, separating their dignity from associations of a status or role. Thus, dignity is a component of our being, a part of who we are as humans, as people, not contingent on what we own or how society categorizes us. I will draw from the work of legal scholar Erin Daly on dignity rights to argue that homelessness constitutes a dignity violation. Additionally, I will consider the role of evictions and their impact on homelessness, based on Matthew Desmond's work. The effect of social perceptions is pivotal to the dignity of the unhoused. The following section

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will analyze legal discourse specifically focusing on a historical analysis of case laws, legislation, and regulations on homelessness that implicitly and explicitly reinforce anti-homeless measures. Such proceedings have established a system that excludes the homeless from society. Policymakers in New York City and California acknowledge the epidemic of homelessness. However, regulations continuously disfavor the homeless population and infringe on their rights. In the final section, I will examine the exclusion of homeless individuals from society. Additionally, it will emphasize mechanisms of reform and highlight key organizations that have worked to preserve the dignity and stability of the unhoused through reforms ranging from housing access to mental health services, ultimately minimizing the number of unhoused individuals living on the streets.

Historical Context

Homelessness is a multifaceted issue. While often reduced to a condition of having no home, it has many meanings: destitution, the absence of comfort, hygiene, privacy, acceptance, and simply the security of a permanent place to live. On a single night in January 2022, 582,462 people were counted as homeless (De Sousa, 2022, p.10). Despite such a large number of homeless people, our nation has still not expanded access to housing. As Matthew Desmond notes, this reflects a “lack of moral urgency and commitment to connecting families with aid” in our society (Desmond, 2023).

Some might say that homelessness has changed over time. This is true, but the structural forces that produced homelessness remain deeply embedded in our society and law today. Historical trends reveal not only cultural shifts but also the persistence of systemic inequality. However, the way homelessness is defined has changed over time. The number of people experiencing unsheltered homelessness has increased by 3.4% (7,752 people) since 2020 (De Sousa, 2022, p. 11). Homelessness affects individuals across race, gender, ethnicity, and any social identity group. Yet, populations that are more susceptible to being homeless are Pacific Islanders, Native Americans, and Black or African Americans (State of Homelessness, 2022). The growing data demonstrates that marginalized groups are more vulnerable to homelessness.

Despite the widespread presence of homelessness, scholars and policymakers lack a consensus on its definition. The meaning varies from broad human rights perspectives—highlighting the right to adequate housing—to narrower interpretations in US law, where homelessness is often reduced to the absence of a family or shelter. According to historians Joseph Murphy and Kerri Tobin, in their key study *Homelessness in the US: A Historical Analysis*, 19th-century definitions describe the homeless as men without families (Murphy and Tobin, 2014, pp. 267-284). These definitions applied only to white men, while people of color, particularly Black individuals, were entirely excluded and viewed instead as property. As a result, questions of ownership, belonging, and exclusion became intertwined with the concept of homelessness.

Following World War II, homelessness came to be defined more by family ties than by material conditions like economic status or shelter. The common belief that “a family makes a home” implied that a man without a family was seen as not having a home. This perspective worsened racial and social divides, as African Americans, Native Americans, and nearly all non-white groups were barred from accessing safe and adequate housing. In the U.S., homelessness was thus viewed as a condition—just a circumstance affecting some individuals—rather than recognized as a result of long-standing systems of

societal exclusion. However, history shows that such circumstances are rooted in methods of exclusion that have consistently existed in our society.

Conversely, human rights law depicts homelessness differently, not as an individual failure but as evidence of state failure. According to the *United Nations Human Rights Office of the High Commissioner* (OHCHR), homelessness “indicates state failure to guarantee access to safe, affordable and adequate housing for all,” and it undermines a number of fundamental human rights including the rights to life, health, and dignity. The homeless are too often stigmatized and criminalized; only a few states recognize a legal right to adequate housing and even fewer have adopted meaningful steps to end homelessness (OHCHR, n.d., Introduction). This suggests a key difference in perspective: unlike the US, which often frames homelessness as a self-imposed condition, human rights law recognizes it as the outcome of barriers created by state policies that deny socio-economic opportunities and rights (OHCHR). Human rights law affirms housing as a socioeconomic right under the International Covenant of Economic, Social, and Cultural Rights (ICESCR), though states are only obligated to take progressive steps toward realization. This goal is further diluted in the US context, as the US has signed but not ratified the ICESCR. Critiquing state failure to provide adequate housing, the UN Special Rapporteur on the right to housing, Leilani Farha argues:

As long as States deny access to justice for the right to housing, they perpetuate a hierarchy of human rights, exposing the discriminatory position that some rights matter more than others. The homeless have no place to claim their right to housing when States have failed to progressively realize the right, imposed forced evictions, or criminalized those living in homelessness. (Farha, 2019, para. 4)

In addition, minimal governmental support for housing has fueled stigmas that compound the intersecting disadvantages many homeless people face—whether related to mental health, addiction, poverty, race, or disability. These complexities have left the homeless population vulnerable to being excluded from the “norms” of society.

From a historical vantage, the definitions of homelessness can be classified into phases corresponding to broader economic contexts and ideas of family. Each phase reflects shifting socioeconomic priorities—from early understandings tied to poverty and shared hardship to later definitions that emphasized family status, exclusion, and control. The shifts in definition reveal less a linear path toward care or welfare and more a retreat from them towards discipline and punishment (Foucault, 1977). The categories of exclusion, as Foucault emphasized, is vividly reflected in US history. For instance, in the 1700s, homelessness was a byproduct of extreme poverty and the concentration of wealth in a few hands. The Founding Fathers, including Chief Justice John Marshall, who was at the forefront of establishing the principles of American federalism, maintained that the protection of property rights is a quintessential individual right, essential for economic growth (Ely, 2019). Drawing on John Locke’s claim that property is a natural right inherent to the individual, this principle was further enshrined in the U.S. Constitution (1787). In turn, the very definition of belonging—and of exclusion—was tied to property ownership, leaving those without land or wealth increasingly vulnerable to being classified as the “homeless.” As many were poor, it was the extent of the poverty that set man apart. As Murphy and Kerri note: “The homeless in the colonial period were generally the worthy poor, those who were displaced through no fault of their own” (Johnson, 1988, as cited in Murphy &

Tobin, 2014). However, such liberties were not extended to all men but only to propertied white men, as white men who owned property had exclusive representation in society. Minority groups, including Native Americans, immigrants, slaves, and women, who made up a considerable percentage of the homeless population, possessed no rights during the colonial period. For instance, as historian Linford Fisher argues, “Native American slavery has been largely overlooked. Between 1492 and 1880, an estimated 2 to 5.5 million Native Americans were enslaved, in addition to the 12.5 million enslaved Africans brought to the Americas” (Fisher, 2017). These legacies of exclusion indicate the disproportionate representation of people of color among the homeless, a pattern still evident today.

By the 19th century, industrial capitalism fueled new forms of homelessness. The twin processes of urbanization and industrialization not only drew labor from rural to urban centers but also, through poverty and inadequate housing, produced rising numbers of displaced populations. This marked a key shift in the definition of homelessness, where the condition was increasingly tied to industrial capitalism and urban overcrowding rather than solely to individual poverty. By the 1870s, during “The Gilded Age,” homelessness became a national issue as industrialization and urban growth put more demand for resources as state support for welfare and care declined (History of Homelessness in The United States). The separation of capital and labor widened income inequality amongst those who performed labor and those who owned the means of production. Reporter and photographer Jacob Riis captured this reality in *How the Other Half Lives*, documenting overcrowded lodging houses and police station basements that served as New York City’s earliest shelters. His images provide visual testimony to the harsh realities of New York life as experienced by the homeless, who were increasingly addressed through derogatory labels such as “slums” or “tramps.” The use of such terms suggests that exclusion was not confined to legal discourse but was also deeply embedded in the public opinion (Ellman and Riis, 2015).

Following the Civil War, the term “skid row” emerged to describe districts in the city where low-cost hotels and rooming houses concentrated, catering primarily to men with low income (Murphy and Tobin, 2014). Los Angeles, considered an archetype of a skid row, illustrates how such areas became both a makeshift home and also a mark of displacement for the homeless. As Jacob Siegel writes,

Los Angeles’s Skid Row began with the construction of railroads in the city in the late 1870s. The rail hub attracted itinerant men who came to work in the local agricultural industry. In turn, single room hotels were established along with other businesses catering to the workers, like brothels and saloons. Eventually, the work went away but some of the men, especially those with drinking problems and no family attachments, stayed. By the turn of the century, the area was known as Hobo Corner. The same pattern played out in New York’s Bowery district and in other ‘skid rows’ throughout the United States. (Siegel, 2019)

Thousands of individuals living in a small region had little to no resources and the term “skid row” soon became synonymous with social decay. It carried negative connotations that cast these areas as “forbidden regions,” a stigma that predictably still persists.

The Great Depression played a pivotal role in reshaping the trends of homelessness, job losses, job insecurity, poverty, and hunger displaced millions. In 1929, New York Stock Exchange lost 50 percent of its value, and, as stocks continued to fall in value in the early 1930s, businesses failed, and life savings were lost. One of every four workers was unemployed (19 Americans React to the Great Depression, Library of

Congress). With unemployment came mass displacement as people could no longer afford to sustain a home. Nels Anderson estimated that at least 1.5 million people were displaced— a conservative estimate given the difficulty of tracking every single homeless individual (Cited in Wallace, 1965). It was especially challenging to get data about a highly mobile population and correspond with individuals in less populated areas. Cultural shifts also altered the categorization of the homeless (Murphy and Tobin, 2014). It was no longer confined to men and families, homelessness category expanded to include minors and women. In northern cities, the majority of homeless women were white. Women lost their jobs at higher rates than men in the early years of the Depression. They found it hard to find other sources of income (Abelson, 2003). Thousands of schools closed, leaving children at home to fend for themselves. Poverty was so widespread that homelessness now reflected a collective precarity. This is what Foucault (1977) might describe as disciplinary categorization: the homeless were not merely poor, but were increasingly sorted, surveilled, and managed as distinct populations.

The end of World War II brought temporary relief. Massive mobilization efforts during World War II put Americans back to work. Unemployment, which had reached 25% during the Great Depression, dropped to 1.2% by 1944 (Pruitt, 2020). Industrial production increased as the U.S. began to produce automobiles and ammunition. Despite the prosperity, there were speculations on whether or not the economy could withstand peacetime. Americans were told to ration goods such as fuel oil, coffee, meat and sugar, as these supplies were needed to be redirected to war efforts (Pruitt, 2020, para. 7). Elizabeth Cohen in her book, *A Consumer's Republic: The Politics of Mass Consumption in Postwar America*, notes that by 1945, the Americans were saving nearly 21 percent of their disposable income compared to 3 percent in the 1920s (2004), illustrating both restraint and preparation for postwar consumption. With the war's end came increased housing construction, growth in suburban markets, and rising property values (Freeman and Hall, 1987).

Seemingly, it represented a phase of welfare and care, as economic prosperity was expected to reduce economic hardship. Buying of property, home value appreciation, and market prices led to wealth and increased family net worth. Postwar economic prosperity reduced economic hardship (Stronge, 1992, pp. 3-25) and increased mass consumer spending. Yet the benefits were unevenly distributed. On one side, was the sunshine and lollipops of postwar profitability. On the other side was the growth of suburbia and the resultant rise of housing segregation. Residential construction companies like Levitt and Son established the mass production of homes, constructing over 17,000 homes in over a decade (Pruitt, 2020). However, these new homes catered to the white population. The New Deal's Federal Housing Administration (FHA) endured the triumph of urban de-concentration...by refusing to make loans in redlined areas to whites and by refusing to lend to Black individuals in areas where white predominated (Marsh 1990). The FHA re-enforced institutionalized discriminatory practices. Urban and inner cities were actively condemned to deteriorate and toughen exclusionary measures. William Levitt, who constructed most of the postwar Boomer homes, was explicit about who had access to buy homes. Clause 25 of the standard lease for the Levitt houses stated that homes could not "be used or occupied by any person other than members of the Caucasian race" (Lambert, 1997, para. 9). This established the pretense that African American or minority presence would lower values.

Wealth and suburban housing were a privilege exclusive to whites and non-

whites were denied such luxury. Ultimately, the Supreme Court in *Shelley v. Kraemer* (1948) ruled that individuals are free to voluntarily abide by terms of racially restrictive covenant. De Facto segregation persisted and reinforced elements of intimidation and isolation. According to historian Joshua Clark Davis *Activist Businesses: The New Left's Surprising Critique of Postwar Consumer Culture from 1950 to 1970*, businesses' total expenditures on advertising in the United States nearly tripled. Especially for those who grew up in the suburbs, the dominant form of public space was the corporate shopping center, which had replaced the public square as the center of life beyond the city limits. The emergence of wealth amongst many came to light: wealth for the top 1% and denial for marginalized groups that have experienced oppression for centuries.

With great wealth comes great responsibility. Marxists and cultural theorists, condemned the consumer culture for fueling a form of estrangement, arguing that virtually no one could escape the alienating effects of contemporary consumer culture and saw it as dehumanizing and psychologically corrosive effects of modern American consumer culture (The American Historian). The decline of homelessness in the post-World War II era thus amounted to a temporary pause, not a resolution of the problem. By the 1960s, homelessness soared. Population growth and a decrease in jobs and incomes altered the status of millions in the wealthiest states in the nation. Major forces that changed the complexion of homelessness in the modern era include gentrification of the inner city, deinstitutionalization of the mentally ill, high unemployment rate, the emergence of HIV/AIDS, an inadequate supply of affordable housing options, and deep budget cuts to the U.S. Department of Housing and Urban Development (US National Library of Medicine). As time progressed, new hurdles emerged. Affordable housing and affordable living have regressed. During the COVID-19 pandemic, homelessness spiked again. The world and the U.S. faced our era's most significant health crisis, which contributed to homelessness. While millennials benefited from a 67% rise in wages since 1970, this increase hasn't kept up with inflation living costs...the value of homes has increased by 73% since the 1960s, when adjusted for inflation (Hoffower, 2018). The basic necessities of life, as we know, are becoming more expensive day by day.

Displacement in the US' Wealthiest State

One of the most populous homeless regions in the country is an area east of downtown Los Angeles named "Skid Row." New York City has its own "Skid Row" in the Bowery as well as concentrations of homelessness along East 125 Street in Harlem and other parts of Manhattan. Today, homelessness is visible on nearly every street corner in the Big Apple—home to a multitude of displaced individuals. Los Angeles and New York, two of the nation's wealthiest cities, show the starkest disparities in wealth and income.

UN Special Rapporteur Philip Alston, after visiting Skid Row, observed "42 million Americans are living in poverty...tax cuts deliver advantages for those who are rich, while creating a disadvantage for low-income families" (Alston, 2018). Living costs in these wealthy cities make it nearly impossible for many to sustain a stable and comfortable life. Living in the greatest cities in the U.S. also carried the most detrimental costs.

The popular perception about homelessness is that it is an outcome of unemployment and evictions after COVID. While the pandemic worsened and made

homelessness more visible, it is not a new phenomenon. Homelessness has long been a structural issue though its scale and visibility have fluctuated. Although it is a much more noticeable phenomenon today than in the mid-twentieth century, some mistakenly believe it is a recent issue (Murphy and Tobin, 2014, pp. 267-284). According to Lopez, inflation has compounded the problem: rents have increased at their fastest rate since 1986, putting homes and apartments out of reach for many (Lopez, 2022).

Searching For Dignity

Human dignity is a foundational principle in international human rights law. Yet, the state of homelessness in America undermines public compassion and empathy and challenges human dignity. The Universal Declaration of Human Rights begins by affirming that “all humans are born free and equal in dignity and rights” (UDHR 1948). Similarly, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights both emphasize that rights derive from the inherent dignity of the human person. These legal definitions suggest two dimensions: dignity as a state that may shift with circumstance, and dignity as a quality that is intrinsic. I argue the latter—that dignity is inherent and cannot be taken away, though it can be denied or disregarded.

The way people are treated has shaped the meaning of dignity in practice. Vagrancy laws provide an early example of how certain categories of people were excluded from society. These laws ensured that homeless people were classified as criminals and punished for their lack of residence (Amster, 2003, pp. 195-221). Being poor or low-income was deemed immoral in the eyes of the law. The legitimacy of every individual was tied to whether or not they had a job and maintained a livelihood. After emancipation, vagrancy laws were used to criminalize freed slaves, forcing them into labor rather than allowing them to rebuild their lives freely (Goluboff, 2016). Such laws gave police sweeping discretion, making it a crime to be a certain type of person rather than to do something unlawful. This distinction is critical: it tied dignity to property and livelihood rather than to the inherent value of the human being. These laws made it a crime to be a certain type of person rather than do something unlawful (Goluboff, 2016). This distinction is important, as it connects the dignity of each individual to property and livelihood rather than to the inherent value of a human being irrespective of their status or position in society.

Erin Daly, in her groundbreaking book, *Dignity Rights: Courts, Constitutions, and the Worth of the Human Person*, argues that dignity is a fundamental right that should be recognized in the law. She writes, “If everyone has dignity, everyone is subject to the same obligations, and benefits under the law” (Daly and Barak, 2013). Each individual has their own value regardless of their origin or status. It is not about what one has or does, but about who one is. It refers to the rights that come with being human, regardless of circumstance.

Psychological research reinforces this, noting that individuals construct values that guide their actions and shape their attitudes towards particular situations (Dieckmann et al. 2021). Yet stigma continues to shape social perceptions about the homeless. If public perceptions emphasized compassion rather than disregard the unhoused, the empathy would shift responses to homelessness toward dignity-preserving approaches. Instead, many who express empathy still turn away when confronted with unhoused individuals in daily life.

Candi Castleberry-Singleton, Vice President of Global Diversity, Equity, and

Inclusion at Amazon, emphasizes dignity in her Tedx talk *The Answer is Dignity and Respect* TEDxPittsburgh: “‘differences are barriers only when we allow them to be... there is power in collaboration’” (Castleberry-Singleton, 2016). This resonates with the concept of “othering.” As Powell and Menendian explain, “Othering is a broadly inclusive term, but sharp enough to point toward a deeper set of dynamics, suggesting something fundamental or essential about the nature of group-based exclusion” (Powell and Menendian, 2018, para. 14). The unhoused are treated as “different” because of their circumstances. Othering is reinforced through institutional and cultural processes—from neighborhood practices to political-legal structures. Subsequently, visibly homeless individuals are often treated as less than others because they do not have material possessions that society associates with worth. Differences are inevitable; what matters is how we respond to them. When worth is measured by external validation, those without such validation risk being denied recognition of their inherent dignity.

In a similar vein, Donald E. Miller and Barry Seltser argue that dignity is validated both internally and externally, through interactions with others and their environment (Seltser and Miller, 1993). While dignity is inherent, external conditions can erode one’s ability to exercise self-respect. Stripping dignity based on circumstance undermines people’s capacity to contribute meaningfully to society. Hygiene offers one telling example. Randall Masters notes that social hygiene norms unconsciously dictate how dignity is perceived among the homeless (Cited in Amster, 2003, pp. 195-221). Dignity becomes associated with cleanliness, yet access to restrooms, laundry facilities, and clean water is severely limited. Basic necessities such as food, water, sanitation, and shelter are necessary for leading a life of dignity. While it may appear that unhoused individuals must sacrifice their dignity to survive, this is not necessarily the case. Dignity enables individuals to assert control over how they live and present themselves. When the state or others strip away that agency, they violate human dignity (Daly and Barak, 2013). People experiencing homelessness have the right to defend their lives and their worth—so long as it does not harm others. It is precisely this erosion of dignity—through laws that criminalize survival itself—that demonstrates how homelessness in the U.S. is not simply a social condition but a structural denial of human rights.

Stigmatization and Public Perceptions of Homelessness

Convictions that stigmatize homelessness and severe poverty often rest on inclinations to blame individuals for their situation. Homelessness, whether in the U.S or abroad, carries a stigma—a perception that homelessness is “bad”; a notion that is then attached to the person. Experiencing homelessness is a marker of social exclusion and is associated with poor physical and mental health (Bramley and Fitzpatrick, 2018, pp. 96-116). Social exclusions develop poor sense of self-worth and validation in all groups, especially in vulnerable populations such as the homeless.

Sociologists define stigma as “the co-occurrence of labeling, stereotyping, separation, status loss and discrimination in a context in which power is exercised” (Link and Phelan, 2001). For example, social interactions between the housed vs. unhoused: when a housed individual with an income makes derogatory remarks toward a homeless person on the street, the comments can push the homelessness individual to internalize the stigma. This dynamic is not only interpersonal but structural: policymakers and law enforcement also wield power in ways that reinforce stigma, often infringing on the dignity rights of the unhoused.

Homeless people are often more denounced in society because they often live in public spaces. Unlike other forms of poverty, homelessness is highly *visible* and

therefore more *disruptive* than other forms of poverty (Phelan, Link, Moore and Stueve, 1997, pp.323-37). This perception rests on the assumption that functional or productive individuals are more acceptable in society. Additionally, the visibility of homelessness also shapes perception, just like those who appear visibly unkempt are judged more harshly. According to surveys, roughly half of Americans (51%) believe “lack of will” is a primary cause of poverty (American Bar Association, 2020). These attitudes reinforce the “we reap what we sow” belief, suggesting that poverty and homelessness are self-inflicted.

Such perceptions obscure the structural causes of homelessness—wealth inequality, lack of affordable housing, and inadequate local, state, and federal support. They also undermine dignity, as one’s dignity can be denied when society treats certain groups as less worthy. By allowing some individuals or systems to exert control over another, the equality principle that underpins modern understandings of human dignity is negated (Daly and Barak, 2013, p. 44).

Even when homeless individuals access housing shelters, it is likely that autonomy is compromised in such settings, as ethnographic studies have shown (Desmond, 2016). Strict rules and limitations can infringe upon their sense of self-worth. Limitations on choice-making in shelters constrain people’s sense of judgment and self-determination, sometimes leading them to believe they are unworthy of autonomy. In a society where contributions are measured through employment and wealth, worth is often tied to productivity, leaving those without resources subject to exclusion.

Evicted



Eviction is frequently a precursor to homelessness (Metraux, Mwangi and McGuire, 2022). Despite this, there is little research treating eviction as a major factor leading to homelessness. The inability to pay rent or mortgage often triggers eviction, pushing individuals and families into homelessness. It is a cycle: lacking funds lead to evictions and evictions, in turn, render hundreds of thousands of people on the street per year. According to a study in the National Law Center on Homelessness and Poverty, eviction is the second leading cause of family homelessness in New York City, with as many as 33 percent of families citing eviction as the reason, they lost housing (Bauman and Santos, 2018). Eviction proceedings not only leave an individual(s) unhoused, but also leave a permanent mark on their housing record, making it very difficult to secure new housing

even if they later regain financial stability.

Sociologist Matthew Desmond, in his Pulitzer winning book, *Evicted: Poverty and Profit in the American City* takes a distinct lens on eviction and dignity. Desmond follows eight families in Milwaukee, Wisconsin as they strive to keep a roof over their heads and stay afloat in a declining economy. He shows that the eviction rate peaked between 2005 and 2008 at approximately 7.5% for renter households and, while it has slightly decreased, it still hovers at approximately 6% (Desmond 2016; Gromis et al., 2022). Between 2000 and 2018, the number of annual evictions increased from 3 million to 3.65 million (National Low Income Housing Coalition, 2022).

Desmond argues that eviction is a cause, not just a symptom of poverty (Desmond, 2016, p. 299). Eviction destabilizes the lives of low-income renter households and leads to cascading effects, including job loss, health problems, and community disruption. In this way, eviction plays a central role in perpetuating poverty and homelessness.

Desmond's framing, unlike macrostudies on homelessness, also preserves dignity by centering the stories of families navigating systemic barriers, showing their resilience despite exclusion. One example is Lorraine, a Milwaukee resident who faced persistent housing instability. Her story shows the extent and impact of poverty on individuals' lives. Lorraine sought help from numerous housing assistance programs such as Emergency Assistance for Families, Homeless Prevention Program, and the YMCA, but found that each had restrictive eligibility requirements that denied her aid (2016, p. 112). Eventually, she turned to her church, but her pastor dismissed her struggles as the result of bad choices. Desmond notes the pastor, even though he believed "it was the job of the church, not the government, to care for the poor and hungry... When it came to Lorraine though, the pastor believed a lot of hardship was self-inflicted, making stupid choices, spending money foolishly" (2016, p. 127). Desmond critiques this moralizing stance; those committed to help often justify inaction by framing poverty as self-inflicted.

Lorraine's experience reflects a larger truth: the poor and unhoused are often reduced to statistics, their individuality erased. When institutions and individuals impose their own values on the unhoused, they effectively deny the inherent dignity each person possesses. As Erin Daly (2012) argues, dignity is not conditional—it cannot be granted or withdrawn at will. Thus, permitting one person to impose values or decisions on another and withdraw at will denies people the ability to chart their own course. The denial suggests that the inherent dignity of an individual can be lost or be contingent on those in positions of power—which undermines the meaning of dignity (Daly and Barak, 2013, p. 44).

The Privation of the Homeless: Criminalization

Laws and regulations that have unreasonably impacted the homeless population emerge in various forms. Legislations have implicitly and explicitly targeted those who are unhoused. Take our very own Big Apple for example; the previous version of New York's Loitering law, § 240.35 Loitering of the Consolidated Laws of New York, deemed an offense towards those an individual who loiters, remains, or wanders about for the purpose of begging. This provision was held unconstitutional under the First Amendment. Although framed as a neutral rule, the law functioned to target people experiencing homelessness and to facilitate sweeps of encampments. Loitering is one of the few laws that has had amendments in the state. For example, Los Angeles Municipal Code (LAMC) § 56.11 regulates the storage of personal property on sidewalks, alleys, and streets. Alongside enforcement practices, such ordinances enable "cleanups" that

displace encampments without addressing basic needs, risking cruel and unusual punishment when alternatives are unavailable (Martin, 902 F.3d at 1031).

Cities like New York and Los Angeles are at the forefront of criminalizing the subsistence activities of the unhoused, especially in dense urban areas. According to the U.S. Department of Housing and Urban Development, local measures criminalize “acts of living,” prohibiting sleeping, eating, or sitting in public places (HUD 2022). For those without reliable access to beds, bathrooms, or places to eat, such rules make daily life even more burdensome. The National Homelessness Law Center reports that 48 states have at least one law restricting conduct commonly associated with homelessness (NHLHC, 2021). In effect, nearly every state has adopted mechanisms that criminalize or exclude the unhoused from public space.

New York City and California: Two Sides of the Same Coin

In public discourse, the lack of access to safe and affordable housing is often framed as an individual failure, so that the basic practices of survival are recast as violations and even crimes. Yet, homeless individuals are not the problem; they are the result of systemic failures. Being unhoused is itself a form of punishment: people live in inhumane conditions, facing food insecurity and malnutrition (US Department of Health and Human Services 2022). Beyond physical hardship, homelessness worsens mental illness by exposing people to constant vulnerability and multiple stressors (Castellow, Kloos & Townley, 2015). Punitive measures only compound these burdens, while our systems continue to fail those most in need of protection.

In January 2023, Culver City, one of Los Angeles's most expensive areas to live, placed a ban on encampments in public areas, while stating it did not prohibit sleeping bags or blankets on public property (Los Angeles Times, 2023). Such ordinances worsen conditions by forcing people either to move or sleep exposed on the bare street without the minimal protection that encampment provides. Encampments, while imperfect, are a safer temporary housing measure when shelters are at maximum capacity or not accessible at the time (Cohen, Khaduri & Yetvin, 2018). New York City is no different. It has long employed rules that implicitly penalize the unhoused. Article 32 Section 1202 of New York's traffic rules prohibit stopping, standing, or parking in specified places, including sidewalks and bridges (NY CLS Veh & Tr § 1202). While these restrictions are intended for traffic flow and safety, they can prevent people from sleeping in their cars without risking fines, further narrowing their options.

California has also established penal codes for miscellaneous crimes that target the homeless population. California's Penal § 647, Disorderly Conduct: Punishment for Violation, states any person who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms is guilty of a misdemeanor. The act of begging is frowned upon, but for people without a permanent address, proper attire, or transportation, finding a job is difficult. Such a penal code undermines the value of an individual's life. Such provisions functionally punish poverty rather than address its causes. Conservative commentators like Naushad and Shah argue that begging can have negative economic effects by reducing overall productivity and diverting resources away from economic activities. They suggest that widespread begging may contribute to lower per capita income (Naushad & Shah, 2020, p. 3). However, this concern for the flow of money in the capitalist system, where wealth accumulates in a few hands and denies access to those at the bottom of the economic hierarchy, is cruel. These economic arguments that claim individual giving reduces spending elsewhere have been used to justify criminalizing requests for food or

money—punishable by up to a year in jail in some contexts. This adds another barrier to survival for the unhoused (Cal. Penal Code § 19).

By contrast, the United States Court of Appeals for the Second Circuit, in *Loper v. New York City Police Department* (1993), held that peaceful begging is expressive conduct protected by the First Amendment. Begging communicates need; it is a form of petition and personal fundraising in the most elemental sense. Organized charities are able to ask for money from others, but for quite some time, and still in many areas in New York, the rights of the unhoused are being restricted. I argue that reasonable methods of begging, such as through signs to ask for money, is a form of personal fundraising. Each homeless person who decides to beg is begging or fundraising for their needs. Begging is speech that adds to both societal and individual enlightenment; it provides information about poverty, employment, and the lives of poor people (Hershkoff & Cohen, 1991, p. 899). The homeless community expresses their needs and wants and people are able to empathize with these individuals and offer their help if they deem it necessary. Many religions consider providing money for communities in need as a moral religious obligation. Some might argue that begging is an expression based on private need and not for public good. However, if we silence the beggar, we may effectively prevent the poorest citizens from speaking about society (Hershkoff & Cohen, 1991, p. 902). Silencing the community that is impacted by begging will restrict the rights of the homeless community to speak on their experience and advocate for themselves and others.

LAMC § 41.18 (2005) further prohibits sitting, lying, or sleeping in ways that obstruct public rights-of-way (L.A., Cal., Mun., Code § 41.18(d) 2005). Though phrased in neutral language such as “no person” rule, its practical effect concentrates enforcement on areas where unhoused people live, criminalizing survival rather than addressing mass homelessness. The seeming impression that the policy is a means of keeping public spaces clear to walk through, hides the unintended or intended emphasis on “sleeping, storing and placing personal property on the sidewalk.” This suggests that the policy implicitly targets homeless populations and criminalizes rather than address the mass homelessness issue. Enforcement of Ordinance 41.18 in Los Angeles and other affluent cities in California simply drives those who are unhoused to other areas, without contributions from the town, county, or state to make positive changes in offering housing and services for the unhoused.

In fact, enforcement of the Municipal Court Ordinance 41.18 led to litigation culminating in *Jones v. City of Los Angeles* (9th Cir. 2006). The court ruled that Los Angeles Ordinance 41.18, which punished involuntary sitting, lying, or sleeping on public sidewalks when shelter is unavailable, constituted cruel and unusual punishment under the Eighth Amendment (City of Los Angeles, 9th Circuit 2006). The court reviewed the availability of housing and found that there were nearly 50,000 more homeless people than the available shelter beds in Los Angeles (Shelley and Gqlshare, 2020). Eventually, the court held that so long as there are more homeless individuals than the number of available shelter beds, the city cannot enforce the ordinance at all times. Los Angeles agreed to stop enforcing the ban anywhere in the city between the hours of 9pm and 6am until it built 1,250 units of housing for the homeless. *Jones v. City of Los Angeles* appears as a reform that is headed in a positive direction. However, those who are homelessness are only able to have their encampments up during hours of 9pm-6am, forcing people to “put away” their homes and go elsewhere. In 2018, former Los Angeles Mayor, Eric Garcetti, warned of ending the agreement, as over 1,250 units of housing were built. Despite over a thousand units, the homelessness epidemic remains. *Jones v. The City of Los Angeles* seemed like a stepping stone for the rights of the homeless;

however, it appears that there is a constant push by L.A. residents and policymakers to cease the agreement, showing the fragility of such protections (Jones, 2006; City of LA, 2018). Symbolic wins have not stemmed the crisis.

Criminalizing Homelessness

Laws restricting the “acts of living” of the homeless, including sleeping, sitting, and panhandling in public areas, have expanded across jurisdictions and target vulnerable populations. Understanding the impact of these laws requires examining racial and socioeconomic disparities. Structural and institutional racism across healthcare, education, employment, and housing shapes who becomes unhoused. People of color, particularly Black and Indigenous people, are disproportionately experiencing homelessness. According to the 2022 Annual Homeless Assessment Report (AHAR):

There continues to be an overrepresentation of people who identify as Black, African American, as well as indigenous...People who identify as Black made up 12 percent of the total U.S population but comprised 37 percent of all people experiencing homelessness and 50 percent of people experiencing homelessness as members of families with children. (De Sousa et al., 2022)

Such data are no coincidence; the disparities show that race is an important factor that cannot be ignored.

The Fair Housing Act of 1968 prohibits discrimination in housing based on race, color, national origin, and other protected classes (42 U.S.C. § 3601 et seq.). Despite this enactment, racial discrimination still occurs. The National Fair Housing Alliance reports continued patterns of segregation, redlining, and exclusionary zoning. For instance, Los Angeles County remains among the most segregated metropolitan areas, and segregation correlates with lower homeownership and higher rents (Bernard, Waginner, and Lynn 2018). Weak enforcement—despite more than half a million complaints to the Office of Fair Housing and Equal Opportunity since 1996—has further blunted the Act’s promise (NFHA 2018).

Local ordinances such as the L.A. Code § 41.18 and NY’s § 1202 public space rules are enforced by police, leaving broad discretion in day-to-day application. People of color who are homeless are disproportionately targeted by law enforcement due to implicit bias and the historic racialization of poverty and policing. Scholars argue that the “anti-homeless” and “quality of life” laws are mechanisms for exerting control and power over homeless populations, especially from marginalized communities, by framing them as a threat to social order (S. Metraux, R. Cho, & C Roman, 2023). The system targets particular behaviors, usually practices associated with a specific group, and criminalizes it. For instance, “disorderly conducts” as described in many anti-homelessness laws include behaviors such as begging, sitting on the sidewalk, and sleeping in public space to be disruptive. However, these acts are normal behavior for anyone who has to endure homelessness and reflect mechanisms to sustain their lives. Criminalizing these everyday acts in turn pathologizes normal survival strategies forced by housing scarcity. Thus, the problem is not “abnormal” behavior; it is abnormal policy and an acute shortage of affordable housing.

Los Angeles Mayor Karen Bass has emphasized the need for federal partnership—funding and regulatory flexibility—to address homelessness, yet Los Angeles’s roughly \$11 billion city budget underscores that local choices also matter (City of Los Angeles, Budget, 2023). New York City’s current approach similarly prioritizes encampment clearances, even as advocates warn that policing and shelter coercion are ineffective substitutes for

safe, permanent housing (Coalition for the Homeless, 2023). Sweeps simply shift people from one area to another. Similarly, New York City's Mayor Eric Adams's administration is striving to clear the streets of homeless encampments. Street sweeps result in moving the homeless from high traffic areas into temporary shelters, which eventually result in relocations of other communities. These methods are redoing and re-emphasizing policies that have already shown to fail. Simone, policy director at the NYC Coalition for the Homeless argues "policing and criminalization are not the responses...trying to force people back into a shelter system that many have made a conscious decision to avoid is not going to be successful" (Bowman, 2022).

COVID-19 and Housing

The COVID-19 pandemic was devastating for the homeless communities. While the virus impacted all communities, it especially affected destitute communities and marginalized populations living in poverty. Between 2020 and 2022, the national inventory of beds for people currently or formerly experiencing homelessness increased by 11 percent, with many using hotels, motels, and voucher-based shelter beds to reduce transmission (De Sousa et al., 2022). The Center for Disease Control (CDC) recommended avoiding encampment closures unless part of a coordinated plan to rehouse people living in encampments, developed with local service providers and health departments (CDC 2020). Some states, such as New York and California, expanded temporary housing options, but access remained uneven.

Racial disparities were stark. In shelters, nearly 57 percent of households were Black, 32 percent Hispanic/Latinx, and 7 percent white (Routhier & Nortz, Coalition for the Homeless, 2020). Many faced elevated health risks due to crowded housing, essential work, limited personal protective equipment (PPE), food insecurity, inadequate health care access, and reliance on public transport (Routhier & Nortz, Coalition for the Homeless, 2020). In the shelters, social distancing was impossible. Due to a lack of accessible bathrooms, sheltered individuals are not able to access basic necessities such as washing soap, hand sanitizers, and toiletries.

On May 6th, 2020, New York City initiated nightly subway closures from 1:00 a.m. to 5:00 a.m., removing homeless people who had taken refuge in the transit system (Routhier & Nortz, Coalition for the Homeless 2020). The policing measures forced individuals out into the streets. Hotel and motel rooms were offered in limited numbers, but this did not cover every unhoused person on the street; many still had nowhere to go. The Subway Diversion Program aimed to connect people to services and provide alternative pathways off the streets, yet only a small fraction accepted (Official Website of the City of New York, 2019). For those fearful of COVID exposure in shelters, the choice was untenable. Furthermore, individuals in shelters also endured theft and abuse; they were more often in danger sheltered with strangers than outside on the streets.

Los Angeles has shown stricter criminalizing regulations, especially during its mass encampment sweeps. However, in the height of COVID-19, they did more than imagined for the homeless community. Los Angeles took a step in the right direction by housing homeless communities in motels and hotels. Shayla Myers, a senior attorney with Legal Aid Foundation of Los Angeles, supports the initiative by California Governor Gavin Newsom, as long as the hotels and motels are not otherwise full of low-income people using them as a last resort (Kira et al., 2020). Allowing members of the homeless community to have their own space should be rooted in treating them with dignity and respect, not solely because this is what has to be done because of the pandemic. Yet it took a pandemic and soaring death tolls for quick initiatives to be put in place.

Moreover, L.A. Councilmembers announced in March 2020 that more than 100 handwashing stations would be distributed to encampments across the city. Council members discussed measures to deploy portable toilets and showers to homeless encampments and to temporarily halt evictions, with a six-month grace period for tenants to catch up (Rashini et al., 2020). I allude to the effective measures taken in Los Angeles, not as a means to decimate the retributive stance of LA and many other major cities. I highlight this to show that, in the middle of a global pandemic, the unforeseen capacity to provide adequate homeless services and renter protection reveals that such measures have always been possible. It did not have to wait for a global crisis for such measures to be put in place, when another form of crisis has long been occurring.

Conclusion

Homelessness has been a persistent crisis since at least the Great Depression. Its forms have changed, but its roots—as a socio-economic and human rights issue—remain. Dignity matters: every individual seeks to be treated with dignity and respect, yet our policies too often deny that dignity to the unhoused. Punitive approaches—jail, encampment sweeps, coercive sheltering—worsen the crisis and make exits from homelessness harder. Arrest, unaffordable tickets, and the collateral consequences of criminal convictions entrench poverty (Tars, NLIHC 2021). Criminalization is costly and ineffective. Evidence is clear that “housing first,” low-barrier access to permanent housing with supportive services to maintain housing stability, is cheaper and more effective than criminalization or emergency-only responses (National Low Income Housing Coalition (NLIHC, 2022). Policy makers need to be mindful of the fact that criminalizing the “act of living” is a cruel and unusual punishment.

The pandemic has made it increasingly clear that housing should be treated like healthcare. We need permanent solutions, not just quick fixes or emergency measures. It shouldn't require a global health crisis for officials to recognize the problem. If government leaders could quickly expand hotel stays to shelter homeless populations and provide handwashing stations and toilets during COVID, they can also invest in affordable housing now. New York City and Los Angeles must speed up efforts to build more affordable units and remove barriers to assistance. Most importantly, policy should be shaped with—not just for—people experiencing homelessness. Listening to unhoused communities and prioritizing their needs is essential for maintaining dignity. Without these changes, rising costs, unemployment, and demographic pressures will keep fueling the crisis and trapping us in a preventable cycle.

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