

Brigham-Kanner Property Rights Conference (Virtual Zoom Conference)  
Housing Crisis  
Panel 2

ABSTRACT  
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I. Solving the Crisis of Homelessness

1. The issue: Homeless camping and encampments lack basic sanitation and are unsafe for those experiencing homelessness and for those outside of it. The pandemic worsens the problem and is additive to the existing concern of TB resistance (in all homeless communities), Hepatitis-A (San Diego homeless outbreak 2016-18), typhus (Skid Row) and other serious communicable diseases that flourish in unsanitary conditions. Sweeps merely cause the problem to be relocated elsewhere. Children are raised without access to stable education, in environments risking personal harm and disconnection from society, contributing to the cycle. Homeless parents do not know where to go for help and are frightened to reach out to social services, for fear of losing their children. Access to services is unreasonably complex and, often where access happens, the result is essentially nothing – a homeless person invariably encounters long waiting lists and delays. Society is unhappy with the situation and has a special dislike for how it treats its veterans for whom the ravages of service have left them mentally or physically unable to return to traditional society; how it treats its elderly who find themselves without adequate funds to live; its foster youth who age out and join the homeless ranks with no social skills or desire to gain them; its severely mentally ill citizens who have literally nowhere to go other than a jail or emergency room; its disabled citizens who find they lack the means to support themselves and have nowhere to go, among others.
2. The stakeholders motivated to solve the issue: governments, property owners, concerned citizenry, medical personnel, hospitals (emergency rooms), first responders, homeless people, educators, advocates for particular populations (veterans groups, AARP, American Association of People with Disabilities, youth groups, etc.)
3. Legal Constraints/Issues:
  - a. *Martin v. City of Boise* recap:
    - i. **Cruel and Unusual Punishment Clause of 8th Amendment**: “as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.”
    - ii. **Cruel and Unusual Punishment Clause of the 8th Amendment**: Consistency with the “Eighth Amendment will depend, as here, on whether [ordinance] punishes a person for lacking the means to live out the ‘universal and unavoidable consequences of being human’ in the way the ordinance prescribes.”

- iii. **BUT n 8:** “does not cover individuals who do have access to adequate temporary shelter, \*\*\* but who choose not to use it.”
  - iv. **Establishment Clause/Free Exercise Clause 1st Amendment:** “A city cannot, via threat of prosecution, coerce an individual to attend religion-based treatment programs consistently with the Establishment Clause of the First Amendment.”
- b. *Ellis v. Clark County Dept. of Corrections*, No. 15-5449 RJD, 2016 WL 4945286, at \*10-12 (W.D. Wash. Sept. 16, 2016); *Watters v. Otter*, 955 F. Supp 2s 1178 (2014); *Russell v. City of Honolulu*, No. 13-00475 LEK-RLP, 2013 WL 6222714 (D. Haw., Nov. 29, 2013); *De-Occupy Honolulu v. City of Honolulu*, No. Civ. 12-00668 JMS, 2013 WL 2285100 (D. Haw., May 21, 2013); *Lavan v. City of Los Angeles* 693 F3d 1022 (9<sup>th</sup> Cir., 2012), recap:
- i. **Unreasonable Seizure:** Camp sweeps without reasonable advance notice and opportunity to reclaim property on fiction of “abandonment,” held not to be in good faith and to violate unreasonable seizure clause of 4<sup>th</sup> amendment. (*Levan*: “question becomes wither the City, in seizing [homeless person’] property, acted reasonably under the Fourth Amendment.” And “[t]he government may not take property like a thief in the night; rather, it must announce its intentions and give the property owner a chance to argue against the taking.”)
  - ii. **Due Process.** Pre- and post- deprivation notice must be adequate for homeless persons. As a practical matter, there is no “adequate” due process for a homeless person. Most homeless people cannot or will not assert themselves to (1) figure out the process, or (2) timely pursue it. In the main, they lack any way to calendar dates or get reminders, get to the “due process” venue or to storage impoundments that may be miles away from where they were swept (and so where the person “lives”), and the person has no practical way to get there. Reclamation paperwork and demands for identification (ID) or fees from homeless people are a nonstarter. Many homeless people’s ID has been stolen, sold for cash, or swept away in government led cleanups. Also, getting ID back for a homeless person, might as well be rocket science.
- c. Fundamental Right to Housing?
- i. *Lindsey v. Normet* 405 US 56 (1972). **No fundamental right to housing.**
    - a. “We are unable to perceive in that document any constitutional guarantee of access to dwellings of *a particular quality*, or any recognition of the right of a tenant to occupy the real property of his landlord beyond the term of his lease without the payment of rent or otherwise contrary to the terms of the relevant agreement. Absent constitutional mandate, the assurance of adequate housing and the definition of landlord-tenant relationships are legislative, not judicial, functions.” (Emphasis supplied.)

- i. Commentators observe that the case extends only to housing of a *particular quality* but does not say there is no right to be “housed,” whatever that may mean, in some way.
    - ii. **United Nations - Fundamental Right to Adequate Housing.** United Nations Fact Sheet 21 “The Human Right to Adequate Housing.” “With the adoption of the Universal Declaration of Human Rights in 1948, the right to adequate housing joined the body of international, universally applicable and universally accepted human rights law. Since that time this right has been reaffirmed in a wide range of additional human rights instruments, each of which is relevant to distinct groups within society.”
      - a. “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”
4. Political Constraints:
- a. A significant property owner segment legitimately does not wish unsanitary conditions, tents and old RVs randomly established in their neighborhoods. They have worked hard to own what they do, and do not want their property values diminished by people whom they cannot identify with, living in foul conditions, whom they perceive as freeloaders.
  - b. Related to the first, solving homelessness means establishing places for homeless people to live, which is invariably in locations where property owners oppose them.
  - c. The solution requires changes to entrenched building and land use codes. There is a paradox that communities with the worst homeless problems tend to be the most wedded to land use and building code restrictions that make it difficult to solve the problem.
5. Policy Constraints:
- a. Concentrating communities of otherwise homeless people in particular areas, risks blight, which ultimately solves nothing. Solutions must be distributed, not concentrated. It is a fallacy that needy populations must be near the services they require. In fact, society’s demand that homeless people figure out, identify, connect with, and somehow get to services, wait in line for them, do an “intake” and be told to come back to repeat the process, diminishes the possibility of successful services ever happening.

- b. To be successful, services can and should come to the needy population, not the converse. Service providers must be willing and able, to travel.
- c. To be reasonably efficient and effective, establishing government run/sanctioned places where otherwise homeless people live, is important, so service providers know where to go and can get to and be there in safety. It is unfair to ask a social worker to enter an encampment when she has no idea who is there or whom she will meet and has no security to protect her.
- d. A significant segment of the homeless population refuses available shelters or are unqualified to go to them. There are many reasons, a few are: not all shelters are safe and it is a fact that outside of some shelters, bad actors “enjoy” hanging out to beat up, harass and steal from homeless people for sport; some homeless people are banned from shelters for misbehavior, or are unable/unwilling to comply with shelter rules and are ultimately be thrown out; legitimate fear of disease and parasitic infections; unwillingness to be separated from family/significant others or pets.
- e. Significant segment of homeless people suffers from untreated, severe mentally illness (SMI) for whom private housing and nonspecialized public housing, is unsuited.
- f. A significant segment of the homeless population are addicted to narcotics.
- g. A segment of the homeless population has been kicked out of public housing and cannot return. There are literally no places for this population to go.
- h. Homeless people are vastly overrepresented in jail populations. When they go to jail, they lose whatever housing they had.
- iii. “Todd” example. Todd, a big man in his late 40s or early 50s, is afflicted with serious mental illness that showed up in his late teens. His SMI causes him to devolve into uncontrollable rages and paranoia. He has been homeless for most of his adult life. He wants (and needs) a place to live. After many years, a social service agency finds him an SRO, and he weeps with joy. A few months later, he has a significant SMI episode, resulting in his arrest and jail. He loses his apartment, for good. When he is released, he has nowhere to go. <https://bedlamfilm.com/>
- i. The typical shelter model does not solve the problem. Typical shelters have limited hours and long lines for entry, often they offer only nighttime shelter and the people who stay there are required to leave in the morning, with nowhere to go. Some shelters are accessed only via a reservation

system (accessed by those few who have a phone or computer), and homeless people lack access to a way to charge an electronic device to use to “sign up” and make a reservation anyway. Others lack the social skills to figure out how to access a reservation system in the first place and do not have a way to calendar the date and time of their reservation if they figure it out.

- j. It is extremely difficult for a victim of domestic violence, person who lost their home, or for other person newly potentially entering homelessness, to figure out what if any options they have. The “system” is a dizzying, uncoordinated and chaotic one that can take days if not weeks to figure out what, if anything, is available. Often, nothing is available, even after the effort. This must change.

#### 6. Fiscal Constraints:

- a. It is not possible to provide stick-built housing to all homeless people.
- b. Publicly subsidized stick-built housing is so expensive, and money for it is so scarce, that it takes years to establish such housing, in too few numbers anyway to solve the problem. A policy problem is that its advocates more often than not, demand expensive architectural features and LEED certification compliance, which adds to the cost and delay for this housing type.

#### 7. Fiscal Opportunity:

- b. If we would commit to solve the problem, there is money, a lot of it – money otherwise spend band-aiding the fiscal arterial bleeding wearing the face of homelessness. It is undeniable that homeless people cost enormous amounts of public and private money and impose significant drains on jails (which are as a practical matter, our only mental hospitals we have left) and hospital emergency rooms, with little palpable return on that investment. The “hard costs” are apart from the social costs in terms of lost participation in society, lost children, feeding the cycle of homelessness, crime and victimization of both homeless people and others. No one knows, and no study has been done, that attempts to figure out all public and private costs of homelessness. It may be impossible to do so.

In 2017, HUD estimated each homeless person costs \$40,448 per year in 2002 dollars.

[https://www.usich.gov/resources/uploads/asset\\_library/Ending\\_Chronic\\_Homelessness\\_in\\_2017.pdf](https://www.usich.gov/resources/uploads/asset_library/Ending_Chronic_Homelessness_in_2017.pdf) which did not evaluate all costs.

Another study opines on the cost of a homeless person is:

“In a 2005 study by Pomeroy which looked at costs in four Canadian cities, institutional responses (jails, hospitals, etc.) cost \$66,000-\$120,000 annually, emergency shelters cost \$13,000-\$42,000 annually \*\*\*”

<https://www.homelesshub.ca/about-homelessness/homelessness-101/cost-analysis-homelessness>

Santa Clara County alone estimates the cost of homelessness to that community, between the years of 2007-2012, was “\$520 million per year.”

<https://destinationhomesv.org/wp-content/uploads/2015/05/FactSheetDestinationHome.pdf>

As recent study commissioned by the Mental Health Treatment Research Institute LLC concludes that those who have health insurance who are “high” medical service users, cost on average \$41,631 per year in health care costs. <https://www.milliman.com/en/insight/How-do-individuals-with-behavioral-health-conditions-contribute-to-physica>

Whatever the true cost is, it is high, and includes:

- i. Jails - defacto mental institutions housing the homeless mentally ill and drug addicts.
- ii. Emergency room visits:

“People struggling with homelessness are often frequent users of emergency departments. On average, they visit the emergency room five times per year. The highest users of emergency departments visit weekly. Each visit costs \$3,700; that's \$18,500 spent per year for the average person and \$44,400 spent per year for the highest users of emergency departments.

“People struggling with homelessness spend, on average, 3 nights per visit in the hospital which can cost over \$9,000.

“Not only does homelessness cause health problems, "homeless people have higher rates of chronic health problems than the general population. This takes the form of higher rates of illnesses such as high blood pressure, heart disease, diabetes, lung disease, and HIV disease" (Dr. Margot Kushel, Associate Professor of Medicine in Residence, UCSK/ SF General Hospital).

“80% of emergency room visits made by people struggling with homelessness is for an illness that could have been treated with preventative care”

<https://greendoors.org/facts/cost.php>

- iii. Law enforcement costs –crime, crises/SMI, public health and safety.
- iv. Public works costs for refuse collection and cleaning streets and parks of human waste.
- v. Transit districts to clean stations, busses and trains of human urine/feces/trash.
- vi. Lost transit ridership and fees because it is too filthy and dangerous for business or family raiders to use.
- vii. Federal, state and local department of social services case management and response.
- viii. Nonprofits engaged in (vii), through government grant or private donors.
- ix. School programs for homeless school children.
- x. Enforcing ordinances.
- Xi Tow contracts to remove the vehicles and RVs of homeless people, costs of sweeps to remove encampments, etc.
- xi. Veteran homeless programs.
- xii. Drug treatment programs.

7. Required Premises to Support a Comprehensive Solution

- a. Commit to solve the issue, keeping in mind the principles above.
- b. Understand any solution must have two segments – immediate and longer term.
- c. Immediately, it must be possible to relocate tent sites/residential cars and RVs to an organized, government sanctioned place with sanitation, refrigeration and electricity, frequented by social service representatives who target, and are responsible to figure out and maintain needed services, to particular individuals for whom they are responsible.
- d. Recognize that local land use and other regulatory programs that forbid both the immediate and longer-term solutions, must be adjusted to help, not harm/complicate, the solution effort.
- e. Recognize that local land use and other regulatory programs play a significant role in increasing the cost of housing of all types, making it unaffordable and, with regard to RV, tent Quonset hut living, impossible as a solution.
- f. Putting the “solution” on the backs of “developers” is unfair – they did not cause the problem and their efforts to provide housing do not make the problem worse. When government programs add thousands of dollars – sometimes hundreds of thousands of dollars - to the cost of developing housing, it is tautological that housing will cost more. Further, when government land use programs artificially constrain the supply of land for housing, it is tautological that the cost of land goes up.
  - (1) State legislatures should authorize all housing types and non-traditional situations (porta potties, shower trucks, etc.) and invalidate land use and building code restrictions that interfere with solving the problem.
  - (2) State legislatures should insist that annexations for land for housing within urban growth boundaries, as well as housing development itself, are

subjected only to reasonable clear and objective standards, not discretionary subjective ones, and that housing must be approved in a regulatory format that does not unreasonably increase the cost of housing or add significant delay. Legislators should insist that UGBs should be large enough to not unreasonably constrain the amount of land available for housing. Byzantine UGB expansion laws intentionally making it “hard” to expand UGBs, should be invalidated.

- (3) State legislatures should cap local SDCs and related taxes on new housing developments.
- (4) The regulatory framework for housing development can no longer be controlled/written by the “costs of growth”/anti “growth” advocates. States should carefully evaluate administrative agency leadership to ensure that the persons who manage “growth” to include housing for all citizens, are willing participants in solutions.
- (5) Change building codes and zoning laws to allow RV, tent, Quonset hut, tiny house living, using porta potties and shower trucks in place of mandating bathrooms for all, allow generators for electricity, etc.
- (6) Change zoning laws to allow ADUs and duplexes in all residential zones.

- i. These steps may restore “middle housing.” They will not solve the homelessness problem, but will go a long way toward doing so.

- g. Recognize that there are differing populations of homeless people with differing needs.
    - h. Tailor solutions to the distinct populations among homeless people and to societal objectives.
    - i. Accept that not all homeless people want or need a stick-built house.

- i. In fact, not all wealthy people want that either.  
<https://www.curbed.com/2018/3/29/17163698/tiny-house-las-vegas-zappos-downtown-project>



Photo: <https://tinyhouseblog.com/tiny-house/llamalopolis-an-urban-tiny-living-oasis/>

- j. Demanding homeless people only be housed if they live in public multifamily housing, available years in the future, is cruel in the extreme, and dooms the homeless solution effort, to failure. The demand that homeless people can only live in LEED certified, smart growth, public housing, does not serve the objective and it simply cannot, and in truth aims not, to do so. Other solutions are humane and adequate for everyone and have to be on the table: <https://youtu.be/Mido2V8vj6k>
- k. Understand that there is no universal law says a community of people cannot be housed in RVs, Quonset huts, tents etc., so long as that community (1) is properly sized (so as not to become “the projects”), (2) has sanitation (outhouses/handwashing/garbage collection), (3) has communal areas with refrigeration, eating spaces, (4) electricity, and (5) has services scaled to the needs of the community served.
- l. Reject that homeless people do not deserve the same level of safety and law enforcement response, as anyone else.

- i. “Self-governing” encampments should be a non-starter.
  - 1. No one should be expected to resign to live under a “self-governing despot or despotic committee, apart from the rules of civilized society that the rest of “us” are expected to adhere to and benefit from. We are one people and we all should be benefitted and burdened by the same laws.
  - 2. Society legitimately wants and expects otherwise homeless people to live in a way that is safe for all of us.

- m. Accept that not all populations of homeless people are sympathetic.

[https://www.youtube.com/watch?v=0vVCSUafFVI&list=PLh0vqAIo2BuDfU1ULMac0w\\_vj-xl0Gm\\_&index=11&t=0s](https://www.youtube.com/watch?v=0vVCSUafFVI&list=PLh0vqAIo2BuDfU1ULMac0w_vj-xl0Gm_&index=11&t=0s)

[https://www.reddit.com/r/solotravel/comments/3ve70i/i\\_was\\_hunted\\_at\\_slab\\_city](https://www.reddit.com/r/solotravel/comments/3ve70i/i_was_hunted_at_slab_city)

- n. Pay attention to human biology – keep housing groups small.

- i. Oxford Professor Robin Dunbar – “Dunbar’s Number” 150 – the cognitive number of people who can live together and maintain stable social relationships. “According to the theory, the tightest circle has just five people – loved ones. That’s followed by successive layers of 15 (good friends), 50 (friends), 150 (meaningful contacts), 500 (acquaintances) and 1500 (people you can recognise). People migrate in and out of these layers, but the idea is that space has to be carved out for any new entrants.” <https://www.bbc.com/future/article/20191001-dunbars-number-why-we-can-only-maintain-150-relationships>.

- o. Understand that we used to take care of people and our failure to do so now is a uniquely modern one. All states and most counties in the U.S. until the 1960s/70s had “poor farms” or “poorhouses” and the “inmates” could decide on their own if they wanted to live there or they could be taken there against their will to be supported, if deemed not to be properly supporting themselves and/or their families. Those poorhouses and poor farms went away with the birth of the civil rights movement that followed our society’s shift to individualism premised on the false idea that each person is deemed to have the absolute right to make all of their own “choices,” regardless of whether they actually can, or are capable of doing so.

You could be sent to a poor farm/house on the petition of government “overseers” who documented your bad living conditions. Today’s “overseers” are private ones – neighborhoods - who report homeless encampments, and the government responds by destroying such encampments, as a result of the “petition” of the modern-day “overseers.” In this regard, many cities have special portions of their municipal websites devoted to such reporting.

<https://www.portlandoregon.gov/toolkit/article/562214>

<https://www.portland.gov/transportation/parking/services/report-abandoned-vehicle>

In fact, the main difference between the old variety of overseer and the modern day one, is that today when the overseers’ work is done, the “pauper” has nowhere to go and his possessions are, for all practical purposes, taken from him forever.

Many poor farms/houses (but certainly not all), were well-run places with SRO living, communal facilities, and the “inmates” worked the “farm” either growing food, making artisan wares etc.

Some were certainly terrible places complete with jails, but the point is, society committed to take care of destitute people, one way or the other. We can and must learn from the lessons of our history -actions we deployed to deal with problems long before they got to the critical moment we see in our “modern” time.

“Poor farm/house” products were used on-site and were sold off-site to support the “poor farm/house.” Seasonal workers often lived there during the “off-season.” “Matrons” (often the “warden’s” wife), would compete with other poor farm/house “matrons” for who among them, made the most delicious foods served to the community. The “poor farms/houses” were the places where retarded/disabled people were routinely delivered, to live out their lives.

*See David Wagner, The Poorhouse, America’s Forgotten Institution”*

<https://www.amazon.com/Poorhouse-Americas-Forgotten-Institution/dp/0742529452>.

- p. Recognize that there are no political villains to blame – the problem has worsened under both democratic and republican administrations. We are in this political moment, together.
- i. Solution to consider:
- a. Immediately stop tow and sweep programs. Instead, relocate program recipients to identified, government sponsored organized places with sanitation, refrigeration, and electricity, where service providers go to meet the needs of the persons who reside there. Immediately set aside and then change, zoning / building code laws, to allow for this. Distribute destinations throughout community, do not concentrate them. Change zoning laws to allow property owners willing / capable to do so, to host such communities – perhaps provide financial incentivizes to property owners. Consider condemning derelict shopping centers (they certainly have parking lots well-suited to this use), and other “burned out” places to host such communities. Consider some such places being developed on a “poor farm/house” model in the sense of SROs with shared facilities and the ability to work in gardens and make artisan goods for resale.
  - b. As a part of the above, designate specific places suitable for families with school aged children and direct their camps/rvs/cars to such places. Kids should not mix it up with the cadre of drug addicts, SMI and criminals that are among the population of homeless people. Certainly not all homeless people are in the cadre, but enough are that caution is important. If kids’ parents are in the cadre, then the homeless family should nonetheless go to places suitable for families with school aged kids, but the parenting, SMI services and drug addiction services, must be intensive and the parents must be required to participate in those programs. The goal is not only to save the parents, but also the next generation and stop the cycle. Society has to get serious about this.
  - c. As part of the longer-term solution, adopt a federal mandate that every city (big and small) in America must have its proportional national share of housing for people who are otherwise homeless, on particular time frames and to maintain that housing. They are audited for compliance with the basic minimums. The need for new facilities is reassessed annually. As homelessness is reduced, so is the need for more such places. Everyone is incented to solve the problem. The mandate comes with federal money otherwise spent by the federal government on homelessness. States are expected to distribute state money

otherwise spent on the problem on solving it under this program, and localities are expected to do the same. In other words, all levels of government must commit to the program and its success:

1. Each and every city is given a certain period of time to figure out where housing for otherwise homeless people will be established within its boundaries, what that housing will look like and then to establish it.
  - A. All such housing establishments would be required to have particular minimum characteristics – developed by experts - to have at the least:
    - i. Housing of some type (*i.e.*) tent, Quonset hut, RV, SRO, tiny houses and sanitation, a way to get and stay warm in winter, refrigeration, storage, electricity, laundry and shower services on site or on weekly laundry and shower trucks, food services – on site or trucks, services to meet the population including adequate funding for law enforcement and social services which come to the facility; each establishment is composed of no more than 150 residents per establishment. And not concentrated in particular areas of town.
    - ii. Facilities for families of school aged children must come with excellent childcare, parenting training, drug rehab, intensive supports, including IEP and related educational support for the kids. Navigating the IEP maze is beyond the kin of most housed parents. It is daunting in the extreme for homeless parents.
  - B. May entail condemning and buying nearby homes/commercial establishments to create a “buffer” around such areas, for political acceptability. Such purchased properties can be either re-sold with a covenant that the owner understands who/what their neighbor is and/or used for other palatable public objectives.
  - C. There will need to be a formula for distributing particularly difficult groups, whom smaller communities cannot manage (pedophiles released

from jail, people who simply refuse to follow any rules, etc.). Along the lines of other social programs, these more difficult populations would have to come with higher federal/state subsidies and a detailed management program, developed by experts.

2. If a city fails to timely establish housing as required or maintain it, then the federal government will designate the places, housing types and develop them or step in to perform maintenance and using the funding the locality would otherwise have received, to do so.
- d. Once communities establish (and maintain) housing for their proportion of homeless people, then it becomes unlawful to camp in unsanctioned public places and that law is enforced.
- e. Each state has an adequate number of federally funded mental institutions, where the SMI can be and are treated and, if untreatable, where they stay until unsupervised treatment is possible. Organizations with specialty in the unique problems suffered by the severely mentally ill, establish the protocols – *i.e.* <https://www.treatmentadvocacycenter.org/>
  1. In the 1960s and 70s, we “defunded” and destroyed the mental institutions that we had, with no replacement.
    - a. The states used to be responsible for the care of the mentally ill and they established mental hospitals as the means to do so.
    - b. President Kennedy’s retarded sister was sent to such a facility after a lobotomy, exposing the fact that hers and indeed many other such facilities, were horrific.

Ken Kesey wrote “One Flew Over the Cuckoo’s Nest.”

President Kennedy successfully established federal laws to fund turnover of the care of the mentally ill to “community-based” mental illness “prevention” programs. However, Kennedy inspired program made no provision for SMI who required institutionalized treatment and who could not benefit from the particular version of community-based care the new law established. State mental hospitals closed and their SMI were simply tossed out onto the street, where they live and die to this day. President Regan (wrongly credited for the problem), decided that the federal government should not be funding that program of community care, rather that communities should be

returned to doing so, and so he largely cut off that federal funding that Kennedy had established. But the states never took the mental institution program back and inadequately took on community-based treatment. And, so, we have what we see today –people with SMI on the streets with nowhere but ERs and jails to go.

2. Conditions in newly established mental hospitals will be monitored, medically adequate and humane – no return to “One Flew Over The Cuckoo’s Nest.”
3. “Danger to oneself or others standard” must be adjusted so it is actually possible to commit people who need it, for so long as they need it. Now it is said that to be committed, a person either has to be actually actively trying to kill her doctor or actively trying to kill herself in front of her doctor, to meet the standard. And almost no one meets it. So, SMI are doomed to the streets where they are abused and killed and commit crimes, because they cannot tell the difference between a dangerous alien operative and a lawyer with a Starbucks cup, walking toward her.

J. Public policy driven housing choices/targeted investments.  
Perhaps:

- a. Prioritize public subsidized stick-built housing for families with school-age children. Federal incentives for larger metro areas to establish this type of housing in cities with the highest rated school districts.
  1. Intensive parenting education, support, interventions, high quality day care, high quality before/after school care – both linked to children’s and science museums, outdoor programs <https://trackerspdx.com/> etc.; skilled navigators to ensure IEP and related educational services happen, to cut through the inevitable red tape / bureaucracy.
  2. Extra, targeted funding for public schools serving these housing developments.
- b. Prioritize SROs<sup>1</sup> for veterans without school age children with whom they live.
  1. Shared experiences may contribute to sense of community and improve chances of success.

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<sup>1</sup> Single room occupancy residences with individual bathrooms, but shared eating, communing facilities.

2. Targeted veterans' services.
- c. Youth hostel model for homeless youth aging out of foster care with no social skills and little to no connection with society.
1. Intensive targeted services.
  2. GED and college programs, with educational supports to provide youth with the best chance of success and integration into society.
- d. Youth hostel model / SROs for elderly retiring / retired with inadequate/no savings to afford private housing.
1. Activities akin to "elder hostel" adventures available at low or no cost.
  2. Connect to appropriate volunteer opportunities.
  3. Geriatric services.
- e. RV/tent/tiny house communities for other populations with drug rehab/job counseling/social services – *remember the services come to them* – and it is the social service provider who has the *responsibility for managing* the contacts. These are the likely majority of homeless people.
1. Places with progressive levels of security to address the relatively small segment of the population who refuse to follow society's rules, including HOA type rules. That small population must either find a private arrangement on their own or accept the adequate, but modest living situation the public provides them, which will have to be tailored to this population. But they will not be allowed to camp on freeway rights of way, sidewalks, and public parks, at will.
  2. Some housing might be tailored to provide housing for drug addicts with treatment services.
  3. Some housing may be tailored to persons with SMI that is treatable but requires management that the person is unable to provide for themselves.

- f. Some tailored to house populations no one wants – pedophiles released from jail etc., people who refuse to follow any rules, ensuring that such are placed with appropriate cohorts/protections for both themselves, as well as the rest of society. The goal here is to meet minimum requirements for adequacy and also to protect society at large.