

Talking Points: Making the Case Against Criminalization

Use this resource to make a strong, consistent case for effective solutions to homelessness rather than punitive responses.

When a state legislature or local government proposes a law or ordinance criminalizing homelessness, advocates need to respond quickly. Our new resource provides clear, accessible language that providers, young people, and advocates can use when talking with policymakers, community leaders, the media, and the public. The resource explains why criminalization is overall an ineffective strategy to reduce homelessness and can instead make it harder for people to access housing, services, health care, and supportive relationships. It also helps shift the conversation toward responses that actually work, including outreach, prevention, housing, and voluntary services.

This resource was adapted from the National Homelessness Law Center's [Housing Not Handcuffs](#) resources.

Background

Attacks on people experiencing homelessness are increasingly [employing racist tropes](#) that paint people experiencing homelessness as [dangerous and criminal](#), breeding a culture of fear that focuses on punishment over proven solutions. This culture of dehumanization sets the stage for increased [violence and political attacks](#). It is also in this climate that our nation has seen an increase in laws that make it a crime to experience homelessness.

Already, too many people are in jail each night because they experience homelessness. Policies that make it a crime to sleep outside are likely to push cities and states to funnel people experiencing homelessness into jails and prisons. For example, in the year following the passage of a criminalization law in Kentucky, a single county [charged 178 people](#) with

unlawful camping charges. New reporting shows that during one week in May, [53 percent of people in one New Mexico county jail](#) were there because they were experiencing homelessness.

These laws have already—and will continue to—hurt our communities and make homelessness worse. In order to reduce the number of people experiencing homelessness and create safer, healthier, and more just communities, we must reject criminalization tactics and use our power to ensure that everybody has a safe place to live and the services and support they want and need.

Learn more about the criminalization of homelessness in the *Additional Resources* section at the end of this toolkit.

Talking Points

Use this outline to create spoken or written talking points against criminalization. Include [specific data and examples](#) from your community or state whenever possible.

Introduction

- Thank your audience for the opportunity to speak/write to them about this issue.
- State your name and organizational affiliation.
- Briefly state your connection to homelessness (eg, you have experienced homelessness, you are a service provider, etc).
- Clearly state your purpose. For example, “I am asking you to vote ‘no’ on the recent proposal to criminalize homelessness,” or, “I know there have been discussions in our community about taking up punitive approaches to homelessness—I am here to talk about why these approaches are ineffective to end homelessness.”

Homelessness is a policy choice

- Nobody wants to experience homelessness, and homelessness is not caused by a lack of policing, it is caused by a lack of housing, services, and pathways to stability.
 - For most young people, homelessness develops through the intersection of multiple, compounding issues, including family conflict and abuse; poverty and economic instability; lack of affordable housing; exiting systems such as foster care to homelessness; or pregnancy and parenthood.
 - Share data and examples from your community/state.
- Affordable housing is a big challenge.

- Share data and examples from your community/state.
- National data:
 - [Half of people in this country pay more than they can afford for rent](#)
 - [1 in 4 people worry about imminently becoming homeless](#)
 - [1 in 5 people spend all of their income on rent](#)
 - [More than 20% of 18-24 year olds have income below the poverty line](#)
- Homelessness is solvable, but only if we build systems that prevent homelessness before it occurs, respond quickly when a crisis happens, and provide people with the resources and income they need to achieve lasting stability.

Criminalization policies don't work

- Arresting and fining people for experiencing homelessness doesn't actually reduce or end homelessness—it just hides it temporarily.
- Criminalization does not stop people from experiencing the circumstances that lead to homelessness. Therefore, it does not reduce or prevent homelessness.
- Criminalization also does not stop people from experiencing homelessness. If they are fined, they are still without housing. If they are jailed and then released, they are still without housing. Criminalization does not end homelessness.

Criminalizing homelessness is incredibly expensive

- Arresting and jailing people under laws that criminalize homelessness [costs taxpayers \\$83,000 per person per year](#).
 - Compare that to the annual cost of housing and services in our [community/state], which is \$XXX per person per year.
- Criminalization policies require local governments to foot the bill for enforcing a ban instead of providing local governments with the resources they sorely need to increase affordable housing and invest in services.
 - This is an unfunded mandate at a time when local communities need more resources for real solutions.
- Instead of wasting taxpayer dollars on criminalization policies that don't actually reduce homelessness, our [community/state] should use this money to fund housing with supportive services.

Housing, services, and prevention end homelessness

- We agree that solving homelessness is urgent. But elected officials must focus on the true solutions to homelessness: housing, services, and homelessness prevention. We shouldn't waste our time on ineffective policies that punish people for being poor.

- Share data and examples from your community/state of programs that are effectively reducing homelessness. Be specific—this contrast is important!

Conclusion

- Reiterate the purpose you shared in your introduction.
- Let your audience know where they can get more information or who they can contact for further questions.
- Thank your audience again.

Refuting Claims

The key to refuting false claims is to **not repeat the claims**. Every time we repeat a false claim, we inadvertently cement them in people's minds. The key is to **reframe** them. Include specific data and examples from your community or state whenever possible.

Here are some examples:

Claim: Housing First does not work.

Refutation: A housing plus services approach is the most effective way to solve homelessness, but there simply is not enough housing or help to go around. Federal government funding only provides enough for *one housing voucher for every four people in need*. Addressing the housing crunch will take real leaders who focus on ensuring that everybody has the housing and help they need to thrive, not blame people for struggling to make ends meet.

Claim: Homelessness is a choice.

Refutation: Everybody needs a safe place to live, but in America that is getting harder and harder as the cost of living keeps going up. Nobody wants to sleep outside. Homelessness is violent, traumatic, and scary. People don't sleep outside because they want to, they sleep outside because they have nowhere else to go. The real choice is up to lawmakers and community leaders: Will they continue to choose to allow people to sleep outside, even though we know that housing, services, and prevention is the solution, or will they choose to meet the needs of their constituents and ensure that everybody has access to the housing and support they need to thrive.

For further insights on how to effectively debunk false claims, see [The Debunking Handbook](#).

Communications

Letter-to-the-Editor

Letters-to-the-Editor (LTE) are a way to respond to or add perspective to recent news coverage. They are typically short and submitted in response to a specific, recent news story. Anyone can submit an LTE.

Here are some examples:

- [Letters to the Editor vs. Op-Eds](#) | Housing and Community Development Network of New Jersey
- [Letter: 'Housing First' is effective in addressing homelessness](#) | St. Louis Post-Dispatch

Op-Ed

Op-eds are a way to share a perspective, make a case for an issue, or bring attention to a topic. They are typically longer than LTEs and do not need to respond to a specific news story. Anyone can submit an op-ed, although publications decide which submissions to publish.

Here are some examples:

- [Do Not Make Survival Even More Difficult for People on the Streets](#) | New York Times
- [Criminalizing homelessness is a heartless response](#) | New Hampshire Business Review
- [Cities that ban or criminalize homeless services worsen California's crisis](#) | CalMatters

Additional Resources

Criminalizing Homelessness

- [Criminalization One Pager](#)
- [ACLU: Tracking Criminalization Across Cities](#)
- [Housing Not Handcuffs: Tracking Criminalization Across States](#)
- [NAEH: Criminalizing Homelessness Worsens the Crisis](#)
- [NAEH: Criminalization Doesn't Improve Public or Individual Safety](#)
- [NAEH: Criminalization Harms Public and Individual Health](#)
- [NAEH: Most Local & State Governments Spend More on Corrections than Housing](#)

- [Housing Not Handcuffs 2019 Report](#)

Narrative Research, Strategy, and Polling

- [ACLU 2026 Polling on Public Safety, Housing Solutions](#)
- [Housing Narrative Lab: Making the Case for Supportive Housing](#)
- [Housing Narrative Lab: Advancing Narratives for Housing and Care](#)
- [Housing Narrative Lab: Messaging Guide for Communicating about Homelessness](#)
- [Big Cities Health Coalition: Harm Reduction & Homelessness Messaging](#)

Policy Solutions

- [Template: Gloria Johnson Act \(to prioritize housing, not handcuffs\)](#)
- [Template: State Surplus Property Bill](#)
- [Template: Homelessness Service Provider Protection Act](#)
- [Emerging Strategies to combat state-level punitive bills](#)
- [State and local policy levers to address homelessness](#)
- [Interim Strategies for Responding to Unsheltered Homelessness](#)

Scholarly Research

- [Toward a New Understanding: California Study \(includes policy options\)](#)
- [Journal of the American Medical Association: Homeless Encampments and Involuntary Displacement](#)
- [Journal of the American Medical Association: Population-Level Health Effects of Involuntary Displacement](#)
- [Impact of a Homeless Encampment Closure on Crime Complaints in the Bronx](#)

Cicero's Policies and Template Legislation

The Cicero Institute is one of the primary advocates for criminalization. They have been working at the local, state, and federal level to shift homelessness policy towards a more punitive approach. [Understanding their perspective](#) may be helpful as you refute claims about the effectiveness of criminalization.