

# Congress of the United States

Washington, DC 20515

February 1, 2024

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Ave, NW  
Washington, DC 20050

Dear President Biden,

As leaders of the Poverty Task Force, we write to express our deep concerns regarding the growing issue of the criminalization of unhoused people across the country. We urge your administration to support unhoused populations through constructive, permanent solutions of increased funding for homeless services, substances use disorders programs, and community-driven alternatives in the Fiscal Year 2025 President's budget request. We are eager to work with your administration to develop comprehensive protocols and guidelines for federal agencies, state and local governments, and service providers to reduce police interactions with homeless individuals.

In December 2022, the Biden Administration set a goal to reduce homelessness by 25 percent by 2025. However, on a single night in January 2023, the 2023 Housing and Urban Development (HUD) Point-in-Time Count found more than 650,000 people experienced homelessness – a 12% increase over 2022.<sup>1</sup> Communities of color experience higher rates of homelessness, with nearly 4 in 10 people experiencing homelessness identifying as Black African American, or African, and about 28 percent of homeless individuals identifying as Hispanic or Latino.<sup>2</sup> We commend the administration for striving to reduce homelessness rates, but with sharply rising numbers of homeless populations, there must be a comprehensive federal response that takes into account the multitude of challenges affecting unhoused communities and individuals in order to realistically reach this laudable goal.

Those experiencing homelessness, especially unsheltered individuals, are targeted by law enforcement sweeps and even arrested for living in public spaces when they have no alternative. By 2019, about three-fourths of cities had anti-camping laws, more than 60% had laws against loitering, and more than half had laws restricting living in vehicles.<sup>3</sup>

There is a troubling pattern of increased violence against unhoused people at the hands of federal agencies. In May 2023, U.S. Forest Service (USFS) police officers shot and permanently paralyzed Brooks Roberts, an unhoused man living in a camper in the Payette National Forest, during a raid coordinated with Bureau of Land Management (BLM) officers. Despite USFS and BLM both signing onto the Federal Strategic Plan to End and Prevent Homelessness, USFS and BLM officers repeatedly

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<sup>1</sup> [https://www.hud.gov/press/press\\_releases\\_media\\_advisories/hud\\_no\\_23\\_278](https://www.hud.gov/press/press_releases_media_advisories/hud_no_23_278)

<sup>2</sup> <https://www.huduser.gov/portal/sites/default/files/pdf/2023-AHAR-Part-1.pdf>

<sup>3</sup> <https://homelesslaw.org/housing-not-handcuffs-2019/>

harassed, ticketed, charged, and eventually arrested and hospitalized Brooks and his family for the simple acts of sheltering themselves in the absence of other alternatives.<sup>4</sup> The federal criminalization of the unhoused is apparent even in the nation's capital. In McPherson Square, an encampment had grown steadily in 2023 to about 50 tents due to other parts of downtown Washington D.C. being cleared. The National Park Service (NPS) raided the Square – arresting, displacing, and disconnecting residents from outreach providers who could help connect them to shelter and resources.<sup>5</sup>

Criminalizing homelessness and using law enforcement to punish the unhoused is not only the most expensive and least effective way of addressing the problem, but this approach also creates arrest records, fines, and fees that stand in the way of people in transition securing jobs or affordable housing and discourage organizations that provide support to the unhoused. Nongovernmental and community-based organizations play a large role in providing food security and supplies, but have been cited and criminalized for providing support to the unhoused.

The federal government must permanently end the unhoused crisis. Comprehensive housing reform must be led by your administration, and we urge increased funding for homeless services in your FY25 budget request. Additional funding for substance-use disorder programs and community-driven alternatives must be prioritized over law enforcement responses to the unhoused crisis. This includes fully funding community health centers; expanding access to syringe services and harm reduction supplies and programs; and allowing safe consumption spaces. The administration should also make homelessness a public health priority and engage the CDC in efforts to support these critical programs. We also urge you to implement federal protections and guidelines for community-based organizations who are criminalized and fined for passing out food, water, and supplies.

Your administration must also pursue a housing supply strategy outside the appropriations process. Title V of the McKinney-Vento Homelessness Assistance Act's current regulations restrict the financing options available to applicants, requiring unreasonable timelines for the completion of proposed projects, and threatening punitive enforcement action for even minor violations of program rules. Proposed pending regulations do not address these gaps, and we believe addressing these issues will help your administration more effectively respond to homelessness nationwide by cutting red tape and easing the bureaucratic burden service providers too-often face when working with the federal government.

Lastly, we encourage the Administration to establish protocols and guidelines to track federal law enforcement agency interactions with unhoused individuals. The lack of data and accountability on interaction with homeless individuals prevents the public and government officials from understanding the full impact of homelessness criminalization. These agencies must also put strict protocols in place that prioritize utilizing non-law-enforcement first responder systems to aid unhoused individuals, including trainings for law enforcement officers to make referrals to local homeless service providers if they do encounter unhoused persons in the course of their duties.

We urge you to commit to ending the unhoused crisis through robust federal investments in homeless programs and services; strategic reduction of homelessness criminalization; and enforcing agency

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<sup>4</sup> <https://www.independent.co.uk/news/world/americas/biden-homelessness-plan-shooting-forest-idaho-b2424169.html>

<sup>5</sup> <https://www.washingtonpost.com/dc-md-va/2023/06/26/mcpherson-homeless-where-are-they-now/>

oversight in their interactions with unhoused individuals. We look forward to working closely with your office to achieve these goals starting Fiscal Year 2025.

Sincerely,



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Barbara Lee  
Member of Congress  
Chair, House Democratic  
Caucus Poverty Task Force



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Cori Bush  
Member of Congress



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James P. McGovern  
Member of Congress



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Robert C. "Bobby" Scott  
Member of Congress