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## Symposium on Homelessness

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# Symposium on Homelessness

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# Symposium on Homelessness

*A Interdisciplinary Discussion  
Surrounding a Unifying Topic  
of Regional Significance*

Multiple Authors

## FOREWORD

On May 19, 2017, the *Hatfield Graduate Journal of Public Affairs* co-hosted a symposium to address the pervasive issue of homelessness as it pertained to the city of Portland, Oregon and its greater metropolitan area. The *Journal* chose the issue after it was made clear—through a survey disseminated to the graduate students of the College of Urban and Public Affairs at Portland State University—that this was the topic they would like to see examined by their peers.

The keynote speech was delivered by Marc Jolin, the Initiative Director of *A Home for Everyone*—a coalition of local governments created to address the issue of homelessness in a way that unifies the resources and talent that the region has to offer. Jolin spoke not just about the issue of homelessness as it relates to the region, but also just how severe the situation is. His comments come almost two years after former Portland Mayor Charlie Hales declared a state of emergency related to housing and homelessness.

The *Journal* is honored to have had the contributions of many of the graduate students at the College of Urban and Public Affairs. The symposium was designed to give a platform for students to present the perspectives of the academic discipline surrounding a unifying theme of regional significance.

The disciplines of Public Administration, Urban Studies, Criminology and Criminal Justice, Public Health, and Urban Planning were all represented. The papers presented are brief treatments that enable readers to gain a better understanding of how the different public affairs disciplines approach the wicked problems that pervade our society. Their scholarship is collapsed and presented in the following pages.

After the papers were presented, a panel of professors and local practitioners responded to the papers while incorporating questions from the audience.<sup>1</sup> This discussion addressed some of the policy and legal questions that have been at the core of the discussion. Their insights filled a gap between how academia approaches homelessness and how policy directors and administrators synergize it in the fight for a solution.

*The Hatfield Graduate Journal of Public Affairs* presents this scholarship not only to help de-silo the academic discussions that take place within the College of Urban and Public Affairs, but to assist policymakers and scholars as they navigate and try to solve problems as they relate to homelessness in the region. It is the hope of the editorial staff that the insights gathered can color the perspectives of the stakeholders in a way that encourages more cross-sectional discourse in the future.

Robert Cheney

*Editor-in-Chief*

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1 Panelists included Rachel Post, Public Policy Director of *Central City Concern*; Dr. Marisa Zapata, Professor of Urban Studies at Portland State University; Maurice Evans, Lead Navigator at the Multnomah County AIDS Clinic; Dr. Christopher Campbell, Professor of Criminology and Criminal Justice at Portland State University; and Jim Irvine, former president of the National Association of Home Builders.

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# Nothing About Us Without Us

## *Homelessness Research, Gaps, and Proposed Approaches*

Jan Roberson

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*Homelessness is and has been a continuing social, political, economic, and historical issue for the United States. Urban Studies and the research on homelessness are both interdisciplinary and share common themes and concepts. Themes discussed include the homeless excluded from equity protections, structural versus individual explanations, and research overlooking homeless women, who in many ways are invisible. I categorize extant empirical research and propose a participatory, community-based research framework that addresses identified gaps and can more likely produce a better understanding of homeless women and their lives.*

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## URBAN STUDIES & HOMELESSNESS

Homelessness is and has been a continuing social, political, economic, and historical issue for the United States. In many ways this topic reflects the core of Urban Studies (US); US is an interdisciplinary program of study, encompassing political institutions, economic and social relations, physical landscapes, cultural frameworks, and people that comprise the city. This interdisciplinary approach of Urban Studies aligns with the recognition that research frameworks for homelessness should also be interdisciplinary. In addition, there are themes and research approaches common in homelessness studies and Urban Studies.

In this paper I will briefly outline my research problem, review some themes and research methods, and identify key gaps; I will then suggest a research approach that might address some of these gaps. First, our definition of a homelessness involves individuals who do not have a day time or night time residential space that is theirs and from which they do not have to involuntarily move. To be transparent, this definition excludes those individuals doubling up, living in RVs or zombie houses, sharing a motel room, or in residential treatment facilities are not included. It also does not address other dimensions of homelessness, e.g., affordable/low income housing, jobs, services. Finally, while much of the academic literature utilizes the term “homelessness”, I will use the phrases “homelessness” and “houselessness” interchangeably.

### PROBLEM

Homeless women are overlooked and often been rendered invisible in our research, policy, and practices; this poses a critical gap in our understanding of houseless women. My research problem examines the intersections of urban space, gender, and mobility -- more specifically, of homeless women, the places they live in, and their mobility through these spaces. I want to understand the homelessness of women, their gendered interactions and perceptions of urban space, and their movement in and through these spaces. The research question is: How do women experiencing homelessness claim or use urban space? This research matters as it can create visibility for an essentially invisible, marginalized population. I am involved with this problem in several ways: as a critical researcher, as an advocate, as a member of nonprofit organizations working on policy and solutions, as a resident of the Portland metro region.

### HOUSELESSNESS

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## *Themes*

Let us review a few key themes. The homeless are a marginalized population, endure distressed lives, at times unbelievably so, and have little control or say over their urban space. One broad research theme involves homeless individuals often falling outside the notions of social justice, equity, fairness, and dignity; some literature further suggests that the homeless are historically, institutionally and systematically excluded from such values and protections.<sup>1</sup> Thus not only might the homeless be excluded from these protections but also “homelessness is a permanent and necessary part of the U.S. political economy”.<sup>2</sup> From these, one might conclude that homelessness is a permanent exclusion.

Another prevalent theme, both theoretical and empirical, is the tension between structural versus individual (agency) explanations of homelessness. This tension has existed through time and policies have swayed back and forth also through time; Mitchell (2012) concludes that the current view in the U.S. towards houseless individuals has shifted back to individual responsibility for their condition as opposed to structural explanations.<sup>3</sup> Structural factors include poverty; housing; jobs and the economy; displacement; hegemonic institutions; inequity in research, services and practices; criminalization of homelessness; disconnections with service provision; fragmentation of local governments’ efforts; shortage of funding; prevalence and tolerance of NIMBY. Individual factors involve domestic violence, substance abuse, lack of consistent employment, mental health issues, inability or unwillingness to live in a shelter and within a set of rules. Where homelessness has been interpreted as a function of structural factors beyond individual control, homeless people have tended to be seen as deserving of assistance. When deemed responsible for their homelessness, individuals are considered less deserving. The research and literature overall do not effectively integrate structural and individual factors into a robust framework. ‘Structuration’ may be a way of overcoming the simplistic structure versus agency explanations of homeless.<sup>4</sup>

Another theme, though less frequently studied, involves the intersection of homelessness and gender. Research has inadvertently overlooked and/or incorrectly framed homeless women; this group is marginalized, indigenous and often suffers out of sight, invisible.<sup>5</sup> “There is considerable evidence that women’s homelessness is more likely to be ‘hidden’...<meaning> the fact that homeless and unstably housed women have been less visible on the street and also in emergency shelters than have men. Women have more frequently used informal strategies, such as staying with friends or attaching

themselves to housed men.”<sup>6</sup> Street homeless women typically disappear in to the shadows of both the housed and the homeless city.<sup>7</sup> In his participant observation research on homeless women, Liebow indicates that for every one visible homeless, there are ten or twenty less visibly women.<sup>8</sup> Passaro (1996) writes that “In order to survive, homeless women have little choice but to be active agents <in defining> their place as home with stereotypical gender roles.”<sup>9</sup> If research has understudied homeless women, services and practices have underserved them.

### *Empirical Research Categorized*

Overall research on homelessness can be categorized into:

1. cross-sectional, survey-based studies focusing on individuals and associated attributes,<sup>10</sup>
2. macro level, statistical analysis concentrating on factors and relationships among poverty, housing affordability, job markets, and demographics,<sup>11</sup> and
3. ethnographic field studies focusing on various dimensions of homeless individuals and their lives.<sup>12</sup>

In an interesting approach, Somerville (2013) suggests that research on houseless individuals needs a chronology of events in the life of the individual and the story narrated by that individual about those events.<sup>13</sup> Narratives need to be understood as a form of knowledge, structured by plots, themes and characters. “The relationship between each theme and ... episodes of homelessness are typically complex, and can only be understood in the context of people’s life histories”.<sup>14</sup> This approach incorporates some of the dimensions of the ethnographic research on homelessness, e.g., by Liebow (1993), Wasserman & Clair (2010), and Morrell & Nelson (2007).<sup>15</sup> The Sisters of the Road project involved interviews of some 515 houseless individuals.

### *Critical Gaps*

Critical gaps in homelessness research involve the theoretical frameworks, research designs, and methods employed. These gaps include:

1. lack of integration of structural, individual, and other dimensions;
2. lack of agreement on the operationalization of houselessness;
3. weak theoretical foundations with inadequate interdisciplinarity, e.g., embedding critical geography concepts regarding urban space;



4. challenging utilization of qualitative and quantitative methods;
5. not incorporating feminist, critical theory, constructivism, etc., dimensions into the theoretical framework;
6. little research at the intersections of homelessness, gender, race, LGBTQ, etc.;
7. exclusion of the studied population, houseless women, from the research project.

Overall “the research has tended to distort our understanding of homeless individuals” and often portrays the homeless as a monolithic population.<sup>16</sup> Said otherwise, how can research enhance our understanding of homelessness and hence better inform homeless policy, services, and practices?

## PROPOSED RESEARCH FRAMEWORK

This paper will address what I view as a foundational gap in the research. To conduct research on houseless women, the research project would be interdisciplinary, incorporating theory and concepts from geography, urban studies, history, gender studies, and architecture. Without a robust conceptual framework, the empirical results are suspect. The research design itself would utilize a participatory, community-based approach involving mutual consultation with the homeless women. There would be collaboration and partnership with the women and the research project will incorporate changes. The research project would have Community Advisory Board to serve as a bridge to the wider community, to review the research project, and to ensure that the process is respectful of all views. This method would also enable the voices of a marginalized group, homeless women, to be heard and to hence become visible. At its best, this approach would empower the participants, who become fundamental to the production of knowledge. Finally, as noted above, the approach, as possible, should integrate qualitative and quantitative analyses.

From my perspective, it is not good enough for our research to simply do no harm. Fine notes that participatory studies done well deepen the overall research.<sup>17</sup> Hence other, critical insights and understanding into the homeless experience can evolve which will produce better informed literature, policy, and practices.

## NOTES

- 1 Eliot Liebow, *Tell Them Who I Am: The Lives of Homeless Women* (New York, NY: Free Press, 1993); Don Mitchell, “The Annihilation of Space by Law: The Roots and Implications of Anti-Homeless Laws in the United States,” *Antipode* 29, no. 3 (1997): 303–35; and Don Mitchell, “Homelessness,

- American Style,” *Urban Geography* 32, no. 7 (2012).
- 2 Ibid, 933.
- 3 Ibid.
- 4 Giddens, A. 1979. *Central problems in social theory: Action, structure, and contradiction in social analysis*. Los Angeles, CA: University of California Press.
- 5 David Snow and M. Gerald Bradford, “Broadening Perspectives on Homelessness,” *American Behavioral Scientist* 37, no. 4 (1994): 454–60; J. A. Wasserman and J. M. Clair, *At Home on the Street: People, Poverty, and a Hidden Culture of Homelessness* (Boulder, CO: Lynne Rienner, 2010).
- 6 Fran Klodawsky, “Landscapes on the Margins: Gender and Homelessness in Canada,” *Gender, Place & Culture* 13, no. 4 (August 2006): 368.
- 7 Jon May, Paul Cloke, and Sarah Johnsen, “Alternative Cartographies of Homelessness: Rendering Visible British Women’s Experiences of ‘visible’ Homelessness,” *Gender, Place & Culture* 14, no. 2 (April 2007): 121–40.
- 8 Liebow, *Tell Them Who I Am*.
- 9 Joanne Passaro, *The Unequal Homeless: Men on the Streets, Women in Their Place* (New York, NY: Routledge, 1996), 85.
- 10 Peter H. Rossi, *Down and out in America: The Origins of Homelessness* (Chicago, IL: University of Chicago Press, 1989); J. D. Wright, “Introduction: Homelessness and the Politics of Social Exclusion,” *American Behavioral Scientist* 48, no. 8 (April 1, 2005): 925–27.
- 11 Isobel Anderson, “Synthesizing Homelessness Research: Trends, Lessons and Prospects,” *Journal of Community & Applied Social Psychology* 13, no. 2 (2003): 197–205; David Clapham, “Pathways Approaches to Homelessness Research,” *Journal of Community & Applied Social Psychology* 13, no. 2 (2003): 119–127; and Ellen Goodling, J Green, and Nathan McClintock, “Uneven Development of the Sustainable City: Shifting Capital in Portland, Oregon,” *Urban Geography* 36, no. 4 (2015): 504–27.
- 12 Liebow, *Tell Them Who I Am*; and J. A. Wasserman and J. M. Clair, *At Home on the Street: People, Poverty, and a Hidden Culture of Homelessness* (Boulder, CO: Lynne Rienner, 2010).
- 13 Peter Somerville, “Understanding Homelessness,” *Housing, Theory and Society* 30, no. 4 (December 2013): 384–415.
- 14 Ibid., 409.
- 15 Liebow, *Tell Them Who I Am*; J.P. Morrell and G. Nelson, *Voices from the Street: Truths about Homelessness from Sisters of the Road*. (Portland, OR: Gray Sunshine, 2007); and Wasserman and Clair, *At Home on the Street*.
- 16 David Snow and M. Gerald Bradford, “Broadening Perspectives on Homelessness,” *American Behavioral Scientist* 37, no. 4 (1994): 457.
- 17 Julio Cammarota and Michelle Fine, eds., *Revolutionizing Education: Youth Participatory Action Research in Motion* (New York, NY: Routledge, 2008).

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# Preventing Displacement in Portland

## *Case Studies and Recommendations for Resilience to Federal Funding Cuts*

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*Left to its own devices, the Portland housing market fails to meet the needs of the public, as many are priced out of their gentrifying neighborhoods and forced to choose (if lucky enough to have the choice) between living on the streets/shelters or living in far-away, undesirable areas. As the growth of Portland's housing crisis makes it increasingly difficult for these vulnerable communities to find and maintain housing, funding cuts at the federal level add a further threat to the city's capacity to house these residents. The City must prioritize resilience to these funding cuts in order to reverse, or at least slow, the damaging effects of gentrification and steep rent hikes. This paper explores current and past practices in North American cities, and recommends strategies to reduce dependence on the federal government as well as to protect, prioritize, and engage the communities most affected and at risk.*

## CURRENT PRACTICES

As Portland's housing affordability crisis continues to develop, the City shifts focus onto intervention alternatives that would serve to prevent the involuntary displacement of communities of color and low income. The following case studies provide examples of methods used by other local jurisdictions that the city of Portland might consider in its ongoing efforts to combat displacement. Considering the intensity of Portland's housing crisis, and the complexity of housing markets in general, none of the following practices and subsequent recommendations would be sufficiently effective used alone, but should be seen as part of a set of intervention strategies.

### *Equip Low-Income Households to Compete in the Market*

In a nod to the logic and sentiment behind the federal housing voucher (Housing Choice Voucher/Section 8) program, and in response to the staggering number of income-eligible households left unserved, many cities and states have developed similar, locally-funded voucher programs of their own.<sup>1</sup> Vouchers enable low-income households to compete in the housing market, which helps them avoid becoming homeless or having to move out of their community to find cheaper rent. Uncertainty around the future of HUD funding threatens the reliability of the Housing Choice Voucher program, making those still-unmet housing needs an even larger problem for local jurisdictions.

### *Cases of Locally-funded Housing Vouchers*

In Massachusetts, the state funds the Massachusetts Rental Voucher Program (MRVP), which offers subsidies based on income, household size, and location, and which is administered through local non-profit housing agencies or housing authorities<sup>2</sup>. A similar program is funded locally in Washington DC through the Local Rent Supplement Program (LRSP). Both MRVP and LRSP provide subsidies through tenant-based vouchers (where the voucher stays with the household if they decide to move) and project-based vouchers (where developers get the voucher in exchange for providing an affordable unit). LRSP also offers sponsor-based vouchers, which go to landlords or non-profits who provide affordable units, but which can be transferred to other units run by the same entity. Such programs serve to keep people out of the shelter system, which is expensive, inefficient, and often

ineffective. State or city provision of housing vouchers can therefore serve to reduce the jurisdiction's spending on housing relief by keeping people out of shelters<sup>3</sup>, while also addressing a key factor in the displacement of low-income people.

A more nuanced version of this effort is happening in New York City, which funds a set of voucher programs (Living In Communities - LINC) that cater to 5 types of vulnerable populations. LINC 1 vouchers go to low-income households with at least one member employed, LINC 2 is reserved for families with recurring shelter stays, LINC 3 goes to families who are victims of domestic violence, LINC 4 is for medically unstable or elderly adults, and LINC 5 is for working adults. All but one are funded by the City; LINC 2 is funded through a combination of the federal, state, and city funds saved by keeping people out of shelters<sup>4</sup>.

Locally-funded voucher programs may not be directly affected by federal funding cuts, but overall state and city spending is, and therefore local jurisdictions' spending on vouchers very well may be threatened by federal funding cuts, depending on local decisions to reallocate resources in response to those funding cuts. Another problem with voucher programs is that the addition of demand into a market that already wasn't supplying a sufficient stock of housing will exacerbate the competition for those homes<sup>5</sup>. Therefore, while vouchers serve an important function in keeping people housed and in their neighborhoods, they can not be expected to make much of a dent in Portland's displacement problem without some accompanying supply-side and regulatory interventions.

### *Preserve and Increase Affordable Housing Stock*

One factor that contributes to rising housing prices is the frequent demolition of older housing stock in exchange for new, and more expensive, developments. The high demand for housing in all parts of the market encourages developers to demolish less valuable properties because they can be confident they'll profit if they build new ones to sell or rent at market rate. Cities experiencing housing affordability problems have sought to address this problem through various methods of preserving existing affordable units, with differing levels of success.

## SEATTLE'S RENTAL PRESERVATION AND PRODUCTION PROGRAM

Seattle's recent voter-approved housing levy designates funding to a Rental Preservation and Production Program, which outlines 3 methods for avoiding the demolition of affordable units. First, the City plans to support nonprofits' acquisition of existing housing to prevent it from being sold or rented at market rate. Second, the City will use preservation tax exemptions and rehabilitation financing to incentivize rent and income restrictions in the private market. Lastly, they will offer loans and grants for home repair and weatherization in an effort to prevent existing housing from deteriorating. Since this program is funded by the City's housing levy, federal funding cuts will only obstruct it if the City's response is redistribution of resources away from these projects and toward other necessary functions<sup>6</sup>.

## PRESERVATION, REHABILITATION, AND REDEVELOPMENT IN ST. PETERSBURG

These methods have also been employed in St. Petersburg, FL, which is surrounded on 3 sides by water and experiences growth boundary issues similar to Portland's, particularly the displacement of low-income residents as the city grows. In response, the City has dedicated funding and public programs to the preservation and rehabilitation of existing housing stock, as well as acquired properties through abandonment or code enforcement to then sell to nonprofits at a low price for affordable development<sup>7</sup>. In the case of rehabilitation, the City offers an incentive (funding assistance) to property owners who agree to repair their properties in exchange for the owner agreeing to charge below-market rents. While the model may be effective in function, much of the financial support for these activities comes from CDBG or HOME, while some comes locally through St. Petersburg's Working to Improve our Neighborhoods (WIN) program. With the elimination of these federal funding sources, St. Petersburg will need to look elsewhere to afford this work. That may prove impossible with the reduction in federal funding that has historically supported a broad range of cities' services.

## DISCOURAGING TRANSITION TO MARKET-RATE: CHICAGO

Chicago adopted an affordable housing preservation measure under their recent "Keeping the Promise" ordinance<sup>8</sup>, regulating development to minimize



the loss of affordable units. If federal funds are used in the redevelopment of property containing affordable housing, the owner must replace all affordable units, and at least 20% of them must be located in high-opportunity areas and offered first to the residents displaced during redevelopment. The owner must also give at least 12 months of notice if they intend to terminate their contract as an affordable housing provider, so that the City can offer assistance to the tenants being displaced. The ordinance serves to discourage the transition of affordable units into market-rate ones, and ensures opportunistic locations for at least some of the newly developed ones. Unfortunately, many of the landlords using federal funds to provide units below market rate will have little incentive to remain in the affordable housing business after cuts to HUD funding, making this ordinance applicable to a much smaller pool of property owners.

## DISCOURAGING DEMOLITION, ENCOURAGING DENSITY: PORTLAND

In Portland, the Residential Infill Project (RIP)<sup>9</sup> will serve to preserve the current housing stock by discouraging demolition and instead encouraging internal rehabilitation and conversion. In order to discourage demolition, the City will implement zoning changes that reduce the maximum size of a new development, meaning a developer can make less of a profit by demolishing an existing house and replacing it. This helps maintain the stock of less expensive housing since older houses are more likely to be cheaper (depending on location) and since new development contributes much more heavily to a neighborhood's gentrification than internal conversions do. The project also loosens zoning regulations in targeted areas to allow for a range of housing types that would add a greater number of units to the market per development. The RIP design provides for both a decrease in demolition-redevelopments and for an increased number of housing units in an area, functions which together could play an important role in slowing the gentrification and subsequent displacement in Portland neighborhoods.

### *Shared Ownership*

One way to facilitate both production and preservation of affordable housing is through models in which property is shared between community members rather than by a single private entity. In Portland's hot market,

acquiring land is almost impossible for low-income people to do on their own, but land trusts and limited-equity cooperatives are two options that make alternative types of ownership feasible.

Land trusts are nonprofit entities that own the development rights of the land but sell (or lease) just the building to the resident. Land trusts can take different forms for different purposes, one being a tool cities can use to provide and preserve affordable housing. The resident still earns equity on the building, and when they decide to sell that home, they sell below market-rate, per trust agreement, ensuring the continuation of that property's affordability. While land trusts are often nonprofits that exist separate from any government, the city or state can still play a major role in the success of its local housing land trusts by assisting the trust in land acquisition through land banking. In this way, the jurisdiction can help facilitate new affordable housing stock by aiding trusts in converting land that was once used for something other than affordable housing. Since land trusts are long-term legal guarantees of protection, they should be relatively safe from changes at the federal level, once established. The biggest problem will be acquiring the land on which to establish them. A city's ability to assist a trust, or any other nonprofit, in acquiring land will depend on how it redistributes its allocation of resources after decreases in federal funding.

Another means of shared ownership that helps keep housing affordable is a Limited Equity Cooperative (LEC), wherein a group of income-eligible residents share ownership of a set of housing units, in which they also live as tenants. LECs can operate as their own nonprofit entity or as part of a land trust or other nonprofit. A package of subsidies makes LEC shares affordable to people with low incomes through subsidies like LIHTC, below market land acquisition, cooperative financing from nonprofits, and mortgage subsidies from the state or city<sup>10</sup>. The benefit to cities who facilitate Limited Equity Co-ops is that it is a way to increase the supply (and reduce demand) in the affordable, lower end of the market. City support for a large cooperative, or large number of cooperatives, could mean the difference between low-income households being pushed out of their homes *and* out of their neighborhoods, or out of their homes and into a cooperative in the same community. While a cooperative isn't the ideal living situation for everyone, the drawbacks of a shared community might be a price many low-income people are willing to pay to remain in their neighborhoods. Unfortunately, as with land trusts and any other nonprofit, a city's capacity to facilitate these community housing models will depend on their ability to recover from the damage of losing various channels of federal funding.

## *Inclusionary Zoning*

San Francisco, Seattle, Denver, New York, and other cities have adopted Inclusionary Zoning (IZ) measures, similar to Portland's recent adoption<sup>11</sup>, wherein developers are either incentivized or mandated to make a certain percentage of newly developed units affordable at percentages below 80% of the area median income (AMI). Through IZ, affordable units get developed at the same time as market-rate ones, ensuring that at least some of the low-income residents of that neighborhood will get to stay in their community. It also means that the development-induced rise in the neighborhood's housing prices might not happen quite as quickly, due to wealthy people's aversion to living among low-income people.

In fact, this aversion is one of the reasons developers criticize IZ: they worry they won't be able to attract high-enough paying tenants to offset the cost of providing affordable units. Furthermore, IZ may still be problematic when developers *can* attract wealthy tenants, because their increased market-rate rents contribute to the overall rise in housing prices throughout the city. The other argument made in dissent of IZ is that the city's provision of tax incentives will result in fewer tax dollars going toward education and other community services. In a time when federal funding cuts are happening across multiple departments, any tax revenue that could have gone toward the affected social services will be sorely missed.

## ESTABLISH AND ENFORCE RESIDENTS' RIGHT TO REMAIN/RETURN

Only recently, Portland has made two notable strides toward an appropriate reaction to the unjust displacement of primarily low-income people of color, which has occurred for years due in part to the persisting consequences of Portland's explicitly racist historical policies.

### *Right to Return*

First, the City adopted the North/Northeast Housing Strategy<sup>12</sup>, which involves a set of initiatives to produce affordable housing in North and Northeast Portland, an area hugely affected by displacement of communities of color—particularly African Americans. The strategy specifies that preference

will be given to those who have been displaced from the area, whose parents or grandparents were displaced from the area, or who are currently at risk of displacement. In dedicating resources to those most affected, the project establishes and enforces the residents' right to return. One of the most important aspects of this project is that members of the affected community, not City staff, are steering the process. With \$20 million set aside from TIF in the Interstate Corridor Urban Renewal Area, this particular project should be able to continue on its 5-year course as expected regardless of other changes or cuts in funding, both federally and locally.

### *Relocation Assistance Ordinance*

Second, the City Council adopted an emergency relocation assistance ordinance requiring landlords, with some exceptions, to pay the costs of relocation if they issue no-cause evictions or raise rents by more than 10% in a 12-month period<sup>13</sup>. The ordinance is meant to discourage landlords from raising rents by unreasonable amounts, or from evicting tenants in order to rent to higher payers. In the event that they do, the evicted tenants would at least get some help in their search for a new place to live, making it less likely that they become homeless or displaced from their communities due to eviction or rent hikes.

While the ordinance is unarguably a step in the right direction, affirming tenants' right to remain in their homes, it is not without its shortfalls. Landlords may still raise rents by more than 10% if they can make a profit after doing so, and might simply raise rents by an even larger margin in order to make up for paying relocation fees. Landlords may also avoid paying relocation fees by raising rents just less than 10%, or by actively looking for (or fabricating) reasons to issue for-cause evictions. In these instances, landlords still get to raise rents and tenants still get displaced. This ordinance is imperfect because it was necessarily rushed, but the council will be working on a more nuanced, comprehensive set of solutions to take its place when the temporary ordinance ends in October. A point of strength in this ordinance is that it functions relatively independently from government funding sources. Landlords pay the relocation costs if they make qualifying choices, while the City is just responsible for enforcing the rule.

### *Secure Funding*

A well-designed displacement prevention and housing affordability strategy is futile if it needs but lacks funding. In that sense, and in the context

of extreme losses of federal funding, cities must be creative and diligent in their efforts to secure funding for the basic needs of the community. Models that take advantage of money that already exists locally may be the key to resilience to federal abandonment.

### *Use Foregone Costs*

The second program under New York City's LINC voucher system, LINC 2, provides an important example of how jurisdictions can be strategic in funding housing access programs, especially in the face of heavy cuts to federal funding. The City uses savings from reduced homeless shelter costs to fund LINC 2, which, along with the 4 other LINC programs, functions to reduce the number of people in shelters and therefore shelter costs, resulting in more money to run the program. Funding for LINC 2 has been less predictable than would be ideal, as the City's initial projection of yearly homeless shelter savings was far above the true savings<sup>14</sup>. This is a mistake other cities should learn from when adapting this concept to their solutions. A more careful and conservative projection would have prevented New York's LINC program from the disappointment and extra effort of scrambling to compensate for the gap between expected and actual funding received.

### *Consider Social Costs*

Another model that takes advantage of wealth already existent in the community is Denver's September 2016 decision to create an affordable housing fund entirely from local sources by slightly raising property taxes (\$12 a year for owners of median-value homes) and imposing impact fees for developers<sup>15</sup>. This strategy acknowledges the relative social costs of owning and especially developing property in a city where so many are unfairly cost-burdened, displaced, or homeless because of market forces that primarily benefit developers as well as many owners. By redistributing pre-existing wealth within the city, Denver becomes less dependent on, and more resilient against, the federal government's retraction of funds.

## RECOMMENDATIONS

While each of the interventions explored above has a potential role in preventing the displacement of Portland's most vulnerable, and are all much stronger when used in conjunction with one another, insufficient funding will force the City to prioritize certain goals above others. Recognizing that

Portland lacks the capacity to implement all of the alternatives explored, the following set of recommendations comes in the spirit of resiliency to lost federal funding. The City will need to circumnavigate its loss of funds before it can employ the most effective means of displacement prevention. These recommendations are intended as a set of tools to be used alongside one another, and are not expected to solve Portland's housing problems on their own, but rather should be thought of as a strategic starting point. They are actions the City can take immediately to improve circumstances for the most vulnerable and affected communities, while also equipping the City with tools and resources it will need to pursue the other interventions explored in the above smart practices.

## ELIMINATE DEPENDENCE ON FEDERAL FUNDING

### *Create and Expand Local Funding Sources*

Some areas of Portland with higher home values have reached their district's property tax limit, meaning the taxes on their property are no longer rising despite continuing increases in its value as demand for real estate grows. Meanwhile, the property taxes of the less wealthy owners continue to rise. Capturing the taxes lost to those tax caps would create a new source of local revenue that the City could use to strengthen its housing access efforts. Portland has already approved a \$258 million bond dedicated to affordable housing, but some of that money will likely be absorbed by compensation for lost CDBG and HOME funds. With the City's high housing prices, the bond would still be insufficient even if federal dollars weren't cut. In order to supplement the bond, the City should lift the cap on property taxes that disproportionately burdens less wealthy property owners, and use the revenue for the preservation and creation of community-appropriate affordable housing.

The City should also adapt Denver's development impact fee strategy to bring in revenue directly from one of the beneficiaries and factors of gentrification: developers. If a developer benefits from creating change in a neighborhood that results in disproportionate burden on already-disadvantaged community members, that developer should pay not only the price of the land, labor, and building materials, but also a price for the disruption of a vulnerable community. Impact fees would feed into efforts like the North/Northeast Housing Strategy that are explicitly directed at communities who have felt and are feeling the most negative impacts of

gentrification and displacement.

### *No- or Low-Cost Interventions*

A second approach to reducing dependence on the federal government is developing strategies that work without any (significant) funding. Changes in regulations, for example, often require funding only for enforcement purposes. In the case of Portland's Residential Infill Project, zoning changes that discourage demolition by restricting the size of new development are a no-cost way for the City to slow the trend of demolition and redevelopment that perpetuates rising housing costs. Another no/low-cost intervention Portland has made is the recent Relocation Assistance Ordinance. The ordinance is a way to prevent some cases of involuntary displacement without investment from the City, save enforcement.

## INCREASE PROTECTIONS FOR VULNERABLE COMMUNITIES

### *Build from/Improve Relocation Assistance Ordinance*

Portland City Commissioners and Mayor Wheeler recognize the community's need for rent stabilization, but the state's preemption on rent control stands in the way of that potential. Rent control is one way many cities have saved low-income residents from displacement and homelessness, and would be an appropriate step for Portland to take if only it were legal. City Council should put pressure on the state to lift the preemption on rent stabilization so that Portland can expand its tenant protections.

The current, temporary Relocation Assistance Ordinance will expire in October 2017, at which point the City will need to replace it with a stronger, more comprehensive and nuanced set of conditions. That replacement should include repercussions for instances in which landlords raise rents by so much more than 10% that they still profit after paying relocation assistance fees, and in which landlords raise rents by *almost* 10% repeatedly in order to avoid paying relocation fees while still raising rents more than is appropriate.

### *Prioritize and Engage the Displaced and At-Risk*

In every piece of Portland's displacement prevention and housing affordability strategy, the most negatively affected parts of society should be placed at the forefront of City priorities. These parts of society include people of color, low-income, LGBTQ+ (especially youth and transgender) identity, immigrants, and any other group facing disproportionate discrimination in the housing market, as well as disadvantages elsewhere in society that make it harder to build and maintain wealth,. The North/Northeast Housing Strategy paves the way for this kind of targeted effort, but will exhaust its \$20-million budget before the problem is solved. If Portland is serious about its commitment to social equity, it should look to the North/Northeast Housing Strategy as an example of how the City must engage and empower affected communities in the efforts to protect and repair them. The success of anti-displacement and housing affordability efforts depends on how appropriate those efforts are for the communities in question, and therefore must involve community input and participation. Luckily, community involvement is not something that requires (much) City funding, and is likely to result in more successful interventions that save the City money in the long run by more effectively preventing vulnerable communities from needing emergency help in the future.

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# Homeless or Criminal?

## *A Criminology and Criminal Justice Analysis on Homelessness in Portland, Oregon*

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*Portland, =Oregon is unique for numerous reasons, however, in the last several years, the city has gained attention for its rising rate of homelessness. Despite the difficulty in understanding this trend, many academic discourse communities continue to undergo extensive research to understand it. This paper demonstrates the importance of studying homelessness, through the lens of criminology and criminal justice, to raise awareness on demographic disparities within the Portland homeless population in accord to criminal justice theory. This paper ultimately relies on existing literature to determine if “homeless” implies “criminal” and to what extent implicit bias by law enforcement officers lend to this stigma.*

In the last forty years, the United States prison population grew at an unprecedented rate and increased higher than any other country in the world. Criminal justice professionals, such as law enforcement agencies and legal personnel, primarily receive most of the blame for the state of the nation's system. Throughout the 1800s, and specifically during the Civil War, the relegating treatment of Blacks became customary. As part of the reconstruction, post-Civil War, slavery was abolished through the Thirteenth Amendment in 1865; however, while making slavery illegal, it was inexplicitly allowing slavery to continue given one is convicted of a felony. This sparked the era of Jim Crow and later segregation laws. This spanned from the 1870s through to the mid-1960s, preceding the start of the Civil Rights Movement. By the 1980s, the nation saw a paradigm shift in political influence that is still present today.

The placement of blame on law enforcement officers and the courts albeit justified, is incomplete without examining the history of discrimination allowed by law. Crutchfield, Fernandez and Martinez state, “[c]riminal justice practices in the United States have come a long way toward racial and ethnic justice in the past one hundred years. Unfortunately, the evidence indicates that we still have a distance to travel”.<sup>1</sup> Oppression has been a part of society in the United States since the founding, though despite the modifications of legal safeguards, racial bias still is a primary agent in mass incarceration today. This essay aims to explore the current cause of disparities in prison by looking at the evolution of law enforcement agencies, as influenced by outdated practices throughout history.

In the criminal justice process, law enforcement personnel begin through enforcing law at the street level. Through this duty, law enforcement is needed to apprehend individuals they interact with if criminal activity occurs or has occurred within the jurisdiction. A primary concern with the amount of discretion left to law enforcement agencies is the notion of racial profiling and more recently, discussing implicit biases among departments. Implicit bias is described as the underlying stereotypes one creates and uses as a motivator in the decision-making process. The increase in research in the last decade has moved toward implicit bias, an area that is still underdeveloped. Even more unexplored is understanding the relevance historical racism and politics has on the growth of law enforcement agencies. Smith and Alpert purport that racism by police has not only been tolerated, but also seemingly encouraged throughout history. They declare police racism reflects beliefs from the larger society. This shared consensus only transitioned “[f]rom southern slave patrols, the use of violence against peaceful civil rights protesters, to the now infamous “gorillas in the mist” comment taken from Los Angeles Police

Department surrounding the Rodney King incident...”<sup>2</sup>

By looking at risk factors associated with implicit bias, Casey et al. (2012) highlight various implications that can explain the manifestation of this bias by law enforcement.<sup>3</sup> First, through emotional states, implicit bias can become exacerbated.<sup>4</sup> If an officer has a bad experience with a specific minority, like the illusory correlation by Smith and Alpert, the likelihood of this influencing other contacts with minorities is high. Second, when an officer's basis for judgment is vague, bias is more likely the motivator when deciding to act.<sup>5</sup> Instead of engaging everyone without preconceived notions based on race, one will rely on stigmas assigned to the entire class of persons. Third, salient social categories, such as race, make an officers actions relying on implicit biases inexcusable.<sup>6</sup> Due to the saliency of race, patterned emphasis on apprehending Black males can be more noticeable. Fourth, low-effort processing through reliance on stereotypes provokes biased judgment.<sup>7</sup> This reliance shows deliberate and effortful processing; however, despite some biases being implicit, this form of cognitive processing realistically shows an awareness of personal stereotypes. Lastly, when an agency does not hold officers accountable for actions based on stereotypes, officers decrease in the likelihood of remaining vigilant in hindering the implicit biases.

Through the evolution of racial subjugation, and despite the willingness to discuss racial profiling among society today, the justice system continues finding alternative ways to perpetuate the cycle. Smith and Alpert explain racial bias on behalf of law enforcement through research grounded on social-psychology, which assumes this bias is unconscious in its evolution. This perpetuates into professional misconduct of racial profiling during the administering of justice. Smith and Alpert thus believe stereotypes held among agencies do not result from hatred for minority citizen, but from an implicit and unintentional bias. The disparities in prison today lend to the argument that law enforcement practices and implicit biases contribute to the increased prison population, especially concerning Black males.

Smith, and Alpert separately consider consensus and conflict explanations for bias in law enforcement. The consensus model holds that minorities, on average, tend to commit more traffic violations thus explaining the frequency in stop-arrests. Like social disorganization theory, because specific minorities are pushed into impoverished communities, law enforcement can get away with singling out specific demographic and racial classes. As social disorganization argues, most crime occurs where the surroundings are socially disorganized and prone to criminogenic factors. Through increased patrol and police presence needed for combating crime in these communities,

stereotyping is inexplicitly allowed among agencies because most communities in the category are made up of minorities.

Through a conflict perspective, the study examines the importance of social conditioning and an illusory correlation. Smith and Alpert believe that police enter the career with existing prejudice of specific races and ethnicities. The preconceived stereotypes are formed through social conditioning. During the span of their career however, increased exposure to the same groups of people influence the strengthening of law enforcement attitudes, beliefs, and conduct when engaging with minorities. This increase in negative social stimuli involving minority groups—whether they are criminals, addicts, mentally ill or economically disadvantaged—also strengthens the existing stereotypes individual officers have. The illusory correlation is parallel to the formation of racial stereotypes and implicit bias. The correlation is a manifestation of negative perceptions, Smith and Alpert clarify, "...when they are exposed to negative behaviors by minority citizens, police officers will over-estimate the prevalence of such behaviors, which will reinforce preexisting racial stereotypes, at the very least."<sup>8</sup> The idea of bounded rationality proposed by Albonetii (1987) has also been used by Smith and Alpert within the scope of law enforcement.<sup>9</sup> When an officer lacks alternatives to problem solving, they rely on instinctual solutions that have previously worked.

Homelessness can be seen as a compounding risk factor, both in the social and economic realms. In the United States, many aspects of homelessness have been criminalized.<sup>10</sup> While many of the offenses that are associated with homelessness are considered misdemeanors, such as anti-camping, sleeping ordinances, panhandling, these often lead to more serious, felony offenses that would more likely result in a prison sentence. Bodies of literature within both economic and social science fields have attributed scarcity of affordable housing and shelter space, explicit and implicit policies and practices that further perpetuate the economic and social gap to keep those in poverty poor and unemployed, conscious efforts to displace homeless individuals from desirable, urban areas, and strained federal budgets to the rates of homelessness and its disproportionate relationship with incarceration in the U.S.<sup>11</sup>

As incarceration and homelessness are both activating and stressful life events that have long-term effects, there are many factors that coexist and contribute to the challenges within this population. Individuals with mental health challenges (MHC) have been extensively researched and are seen as the most vulnerable population to high rates of arrest and incarceration compared to those homeless individuals without pre-existing MHC's or individuals with MHC's with stable housing.<sup>12</sup> The gravity of this populations

challenge stems from the risk factors that contribute to and are exacerbated by social and economic marginalization. Prior literature has found that women who experience episodes of domestic violence are four times more likely to face housing instability and suggest that it is among the leading causes of homelessness nationally for women and their children. Both the U.S. homeless and incarcerated populations have higher rates of individuals that are socially targeted, i.e. disproportionately young, black, men, those living in poverty or are unemployed, with higher rates of substance abuse or MHC's, and are often spatially concentrated within low-income, urban neighborhoods.<sup>13</sup>

According to Eberle et al. (2000), prior history of arrest and incarceration, including both prison and jail rates within a studied homeless population ranged from 20–67%.<sup>14</sup> It is difficult to place any causal/directional relationship or weigh the factors in a matter of importance, but rather can all be considered as interacting simultaneously among incarcerated and homeless populations. This complex relationship between incarceration and homelessness has been described in the literature as inverse, where shelter use increases the risk of reincarceration (dominant upon prisoner release) and prior history of residential instability increases the likelihood of both incarceration and future shelter use. Due to the rapid growth of rates of imprisonment in the United States, there has been an increase in the amount of released prisoners.<sup>15</sup> Unfortunately, there have been fewer available resources for prisoner community reintegration allocated in response to this rise. The lack of affordable housing, shelter space and targeted services creates a “revolving door” pattern, one that cycles individuals between prison and re-enters them into the same environment of shelters or violation of ordinances through living in public spaces.

A criminal history can impact an individual's life through disadvantages in employment prospects and economic disadvantages and contribute to their risk of homelessness.<sup>16</sup> Federal, subsidized housing has the ability to prohibit admission or restrict eligibility to individuals with a criminal history. It can affect your eligibility for both public housing and private housing, based upon landlord discretionary practice of background checks. Due to the stigmatizing nature of incarceration and homelessness, the revolving door often further widens the marginalization of a high-risk population desperate for resources and assistance.

In a report by the National Alliance to End Homelessness (2015), using a point-in-time analysis, they reported that there were 564,708 people experiencing homelessness on a single given night.<sup>17</sup> While the number of

homeless individuals has been steadily decreasing, the number size of low-income population in at-risk housing situations remains significantly higher than that of pre-recession levels. This decrease is most likely an effect of small, but significant targeted federal funding efforts through various departments such as Housing and Urban Development (HUD), Veterans Affairs, Health and Human Services, and Education during the Obama administration. Efforts toward permanent housing, rapid re-housing, and the enactment of the Homeless Emergency Assistance and Rapid Transition Housing Act in 2009 all have been federal efforts in response to the prevalence of homelessness in the United States. The U.S. Department of HUD released a federal agenda with the goal to prevent and end homelessness with focuses on chronically homeless individuals, veterans, families/youth/children, and to set a path to combat all individuals affected by homelessness.

In 2016, it was estimated that there were 13,238 individuals challenged with homelessness, 61% of those living in unsheltered locations.<sup>18</sup> Unsheltered locations are often the reason for the sanctioning of homeless individuals, as illustrated in the pivotal case *Anderson v. City of Portland* in 2009.<sup>19</sup> This case concerned Portland's enforcement of anti-camping and temporary structure ordinances, where the Plaintiff's involved believed that the ordinances criminalized the status of homelessness, which in turned violated both the Eighth Amendment (punished for sleeping in a public space when they had no lawful alternative), and the Fourteenth Amendment per an equal protection claim. The settlement of the case recognized the individual's necessity to have had to sleep in a public space through the assertion of necessity. This case was a small step forward toward the publicizing of the need for advocacy of this high-risk population on a federal level. Anti-camping/sleeping ordinances and those that target situations attributable to homeless populations have been referred to as attempts to remove homeless individuals from desirable locations in Portland, in an effort to create more aesthetic, urban area. Yet, there are active efforts in Multnomah County that are recognizing the increased housing costs, scarcity of housing, stagnant waves and trends in unemployment as factors to homelessness. The community-wide organization A Home for Everyone (2015), stated that homelessness and affordable housing remained crises within the Portland, Gresham, and Multnomah County area. In a point-in-time report, the following was reported as problems that remained to be addressed: A disproportionate 48% increase in the number of unsheltered African Americans, a lack of accurate reporting of other communities of color (particularly Native Americans, Latinos, and Asian Americans), and a 15% increase in adult women experiencing homelessness, half of which reporting domestic violence victimization.<sup>20</sup> While there are miles to go, through shifts towards permanent housing, addressing the web



of involved risk factors and the cyclical relationship between homelessness and incarceration, Multnomah County reported a decrease in unsheltered veterans and a 17% decrease in chronically homeless individuals.<sup>21</sup>

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# Homelessness as a Public Health Concern

*Client-centered approaches to a complex social problem*

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*Homelessness is a complex social problem which is frequently linked with other issues such as substance use and mental illness. Effectively addressing homelessness will require policies which place the varied needs of those experiencing homelessness first; and which are based on evidence and data rather than ideology. This paper reflects on the issue of homelessness from a public health perspective, and outlines the concepts of patient-centered care and evidence-based practice as they pertain to homelessness. Housing First and Harm Reduction programs are two examples of patient-centered and evidence-based approaches for dealing with homelessness, which have proven to be effective around the world. By examining the benefits and drawbacks of these examples we can chart a path forward in Portland which is compassionate and effective, and addresses not just the issue of homelessness itself, but also the attendant concerns which are frequently co-occurring.*

Homelessness in the United States has long been a largely ignored problem, with facts often overshadowed by myth and opinion. Due to recent advances in data collection, and a better understanding of the causes and effects of homelessness, the issue has begun to receive the attention required to address such a complex social problem from a variety of disciplines and perspectives.

Understanding homelessness as a public health issue allows and encourages practitioners to apply public health principles when developing solutions to the homeless crisis. Accordingly, approaching the issue of homelessness from a public health perspective hinges on two major concepts: patient-centered care and evidence-based practice. Practitioners must recognize the need for a wide range of comprehensive and patient-centered options when dealing with factors which lead to and co-occur alongside homelessness; especially substance use disorders. They must also apply the precious few resources available for housing and treatment to programs which have evidence to support them, rather than history and dogma.

Working to build housing programs that are patient-centered and evidence-based requires internal reflection in the practitioner community: Are housing programs a form of peer support? Or do they provide evidence based services? Should housing providers play an active role in the recovery process, or be passive participants which provide a basic human right for tenants? For the many whose homelessness is closely intertwined with a substance use disorder, these abstract questions have a profound impact on their quality of life and chances for housing and recovery.

In Portland and across the nation, many programs offer housing for people in recovery who would otherwise be homeless, which is conditional upon participation in a program of recovery. This is known as recovery housing<sup>1</sup>. However, international efforts that approach housing for individuals in recovery from a more stalwart harm reduction standpoint complicate the logic inherent in this approach and offer compelling, patient-centered alternatives. Harm reduction<sup>2</sup>, which means taking approaches to minimizing the negative consequences of a particular action (typically drug use), is a social justice approach which closely aligns with the principles of patient centered care<sup>3</sup>. While substance use and homelessness could be viewed as separate issues, for the many homeless who suffer from a substance use disorder, they are often closely intertwined.

The concept of Housing First<sup>4</sup> is a harm reduction housing strategy that operationalizes this patient centered approach in the arena of housing. While

this idea has gained traction in many places, applying public health thinking to the issue of homelessness requires much more widespread adoption of this approach. This is exemplified by the Amsterdam Public Health Department, which supports a wide range of harm reduction programs, up to and including heroin assisted treatment for opioid use disorder. By closely coordinating evidence based treatments with social services, public health officials have been able to effectively address many of the issues contributing to homelessness. This department, from its mission to its program design, operates in a way that truly recognize addiction as a disease, housing as a right, and the concept of harm reduction as a compassionate act. Indeed, Housing First models are starting to gain traction in communities across the United States, from Baltimore to Portland. To ensure long term housing retention, residents in these programs must be offered a full array of evidence-based supports to address the underlying causes of their homelessness.

Additionally, and especially salient to the city of Portland, is the idea that 'housing choice' in an understocked housing market is something of a fallacy. There certainly is a need for housing options available to all, which could include units operated under a Housing First model, as well as alcohol and drug free communities (a.k.a. recovery housing). However, when recovery housing is presented as the only available option, it is a safe bet that someone will take it, even if they are not in a place to successfully attempt abstinence focused recovery via a typical 12-step program. This leads to a fact that is beyond the scope of this paper but deserves acknowledgement: that policy makers would be well served by increasing funds available for developing housing units, both from a fiscal and population health perspective.

There is merit to the argument that safe and sober communities are a cornerstone to the successful recovery of many people. But unless those in the community are there of their own volition and not because it was the only available option, any expectation of participation in a sober housing program is truly unfair. Even among those who consider addiction as a disease, it is easy to hold on to moralistic approaches to care that would be seen as unethical among any other population.

## LOOKING FORWARD: IMPLICATIONS FOR PORTLAND

While my experience working with a homeless population informs many of my reflections and recommendations, it is my opinion that it is impossible and unwise to divorce the issues of substance use disorders and homelessness.

From a public policy standpoint, most of the programs discussed here would be implemented as part of a social safety net. Obviously, the hard science of addiction and genetics will apply to people regardless of socioeconomic status although, as we are beginning to find out, it may apply to them in different ways. The following then, are ideas that should be expanded on and available to all, but developed with the chronically or imminently homeless in mind.

First, housing must be seen as central to health and as an inalienable human right. Both in theory and practice, and not contingent on any program rules or regulations- even in abstinence based programs. There is no substitute for the creation of additional units of housing, specifically for those experiencing homelessness, *regardless of drug use status*. Much is made of the role of partial measures to combat homelessness, including emergency shelters, inclusionary zoning policy, and tenant based housing vouchers. Each of these options are of minimal use to someone attempting to manage both homelessness and recovery from a substance use disorder. While the Housing First model is not without critics who note the need for appropriate support services in addition to housing, the underlying assertion that housing is a human right for all, including those with substance use disorder, must be central in any housing or drug treatment policy discussion.

Creating enough units of housing to accommodate this perspective might be difficult but is critical to success. This may be seen as a communication issue, in that it could be difficult to achieve significant buy-in from the policy makers and public whose support is required. Even given such support, galvanizing the political and economic will required to develop and fund such a plan is another monumental task. If there is insufficient political support for ideas like these, it falls upon non-profit organizations to keep the dialogue going in the public arena.

Second, we must work to expand the availability of and access to Medication Assisted Treatment (MAT). This argument is as much philosophical as it is logical. There is ample research showing that MAT is a viable, and perhaps the best available option for many entering a program of recovery<sup>5</sup>. However, the presentation of this research needs to recognize the political environment in which programs are approved and funded (or not), and also must respect the history of the recovery community which is rooted largely in abstinence based programs that place an emphasis on will power and higher power. No MAT program can exist outside the recovery landscape created by the 'old guard', so both sides must be respectful of one another. The ultimate goal in this discussion is the abolishment of 'sides' altogether. This would require the recognition by all stakeholders that differing views

have a place at the table, and maintaining options for patients is perhaps the only dogmatic ideal worth sticking to.

An absolutely essential component of effective MAT programs is the establishment of appropriate housing for individuals in such programs. Such attention to housing is critical because the medication involved in this type of treatment may disqualify individuals from living in sober housing, and a Housing First situation might prove too triggering to someone early on in their MAT recovery. A priority for care providers should be allowing MAT patients to live in sober housing, as well as establishing housing programs which specifically address the needs of patients on MAT. This irony – that people receiving the current standard of evidence-based treatment for addiction are often excluded from recovery housing – must be addressed in recovery housing programs in Portland and across the nation.

Another piece of this issue is recognition of the impact of the history and stigma around drug use and drug treatment, which is often seen in conversations around homelessness as well. In any discussion where passions run high, it may matter less what the data show, than what people think the data show. This places a tremendous importance on messaging and communication, which is an altogether separate field but one that must not be ignored. For MAT to take its rightful place as evidence-based best practice for treating addiction, we must also ensure that how we discuss the treatment does so with a careful eye towards public sentiment and interpretation.

Solving homelessness requires viewing the issue not as an isolated problem, but as part of a complex and interrelated social landscape with personal consequences. Using the lens of public health in approaching the issue means recognizing housing as a human right as much as health itself, committing to meeting the housing needs of all with no strings attached via person-centered policies, and utilizing methods and approaches that have data to back them up through evidence based practices.

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# A Place for You

## *Administrative Techniques for Implementation Through Contracts*

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*This research focuses on the contractual relationship of local municipalities and service providers contracted to provide public services for individuals experiencing homelessness. Through the lens of the public administration profession, the operational phase of a contract must include key components in order for its implementation to be successful. Through a case study of the pilot program “A Home For You” (Multnomah County, Oregon), this peer review considers the contractual relationship between the County’s program and its contracted service providers through a literature review of best practices related to dispute resolution procedures, change orders, and the termination or transformation processes.*

## INTRODUCTION

In the United States, local governments have transformed significantly by contracting with nonprofit organizations and private companies (as developed in the 1970s).<sup>1</sup> The “New Public Management” movement recognized the feasibility of contracting out as a means to delivering a variety of public services at a lower cost. Externalizing public service delivery, such as the operation of homeless shelters and public health programs, has become an attractive technique for saving money as the availability of public sector revenue dwindles. However, a multitude of complexities and stakeholder tensions continue to emerge as local governments contract out service delivery through complicated inter-organizational relationships. These contracts require thorough negotiations and various levels of regulation.<sup>2</sup> Furthermore, there are three specific provisions of equal importance, ensuring healthy relations between contracting parties, that are unfortunately all too often left out; (1) dispute resolution, (2) change order, and (3) termination/transition procedures.<sup>3</sup>

## CASE STUDY: A PLACE FOR YOU

While many policy domains are complex, addressing homelessness is additionally perplexing by the diverse intersectionalities among all involved. Policies developed to aid houseless individuals are executed through a web of interconnected contracts. In the state of Oregon, Multnomah County has recently developed a pilot program, “A Place For You,” that is seeking to address this very issue. Created by the Multnomah Department of County Human Services’ program, Multnomah Idea Lab’s (MIL) A Place For You consists of four selected homeowners who are granting permission for the County to build an accessory dwelling unit (ADU) on their property. Each of these ADUs, in the first five years of its construction will house a selected family currently experiencing homelessness. Upon completion of the five year program, the ADU will be the property of the homeowner without charge. The program is budgeted to be \$350,000, \$75,000 to construct each unit, and is scheduled to begin by the end of the summer, 2017.<sup>4</sup>

Upon researching A Home For You, it appeared that Multnomah County remains in the midst of finalizing various components of the program (i.e. ADU construction, negotiating liabilities, terms of services, etc.). However, MIL has outlined broader plans for its implementation. Enhabit, a local nonprofit, has been selected as the agency in which the County will contract out for (1) site and homeowner selection, (2) design and construction of

the ADUs, (3) installation and maintenance, and (4) to serve as the point of contact for homeowners throughout the project's lifespan. Multnomah County's Joint Office of Homeless Services' program A Home For Everyone, has been selected to establish the contracts between various local nonprofit organizations providing housing services that will (1) select the ADU tenants (homeless families) and (2) provide various wraparound services to the families (i.e. counseling, food assistance, career development services, etc.).<sup>5</sup>

Due to the web of services within the County's contracts with Enhabit and A Home For Everyone, these two agencies will need to establish subcontracts with additional nonprofit and for-profit firms.<sup>6</sup> This collection of contracts, dependent on one another for program operation, is called a contract service network.<sup>7</sup> Networks are common for complex local government programs as demonstrated by MIL's A Home For You. Mistakenly, essential provisions (as will be defined) within contracts delivering the bulk of services that determine the strength of a program and its feasibility are often forgotten.

## NECESSARY CONTRACT PROVISIONS FOR SUCCESS

Successful contract management requires "building and maintaining a positive and effective working relationship that ensures a good deal for the public..."<sup>8</sup> Some agencies, in fact, have gone so far as to begin the operation stage of contract management with retreats to support team building among contracted parties.<sup>9</sup> Unfortunately, certain contract provisions important to preserving relationships are often not included. Public administrators are responsible for the inclusion of critical terms in service contracts such as (1) dispute resolution, (2) issuing change orders, and (3) terminating or transforming the contract.

### *Dispute Resolution*

In any contract, disputes are likely. Logically, dispute resolution procedures must be established and written into the contract to maintain positive working relations among contracted parties. Contract disputes have traditionally been resolved through courts and government contract law. However, alternative dispute resolution techniques, such as mediation and binding arbitration, can save time, money, and avoid adversarial interactions.<sup>10</sup> For example, a contract may detail that in the case of a dispute the parties will defer to an independent mediator. This prepares the parties with a procedure, so that one does not need to be negotiated during times of contention.

## *Change Orders*

Regardless of strength of the contract relationship and quality of the written contract, conditions (situations or environment) are likely to change upon implementation. Therefore, change orders (procedures for initiating changes in the terms of the contract) must also be established. Changes may occur when opportunities are detected for cost saving, new technology is introduced, or when the problem to be solved is revealed to be much more complicated than originally understood.<sup>11</sup> Although, it should be noted that a majority of lawsuits over contract management result from change orders. In response, a limited number of personnel should be authorized to issue change orders to minimize potentially preventable lawsuits and confusion.<sup>12</sup>

## *Termination or Transformation of Contract*

Should disputes become irreconcilable, conditions change, or simply the product or service has been delivered, contracts eventually end. Procedures must also be established to ensure a smooth termination or transformation of the contract. If the contract provides social services, an ending relationship could have negative effects on service recipients. As a preventative measure, administrators can include contract terms for phasing out a program or transforming it into a long-term sustainable model. Should the contract be unexpectedly terminated, services still need to be rendered. The contracting agency should consider contingencies for contract failure to more effectively facilitate service continuity.<sup>13</sup>

## A PLACE FOR YOU: NECESSARY CONTRACT PROVISIONS

ADU construction, site maintenance, selection of participants, and provision of support services are foundational to the pilot program's success. However, of equal importance to A Place For You, in its current operational phase, will be detailing contract provisions specific to dispute resolution, issuing change orders, and terminating or transforming each individual contract involved. As the program is further defined, its contractual relationships will continue to grow in complexity. This is particularly true for its unique approach of incorporating community members (homeowners) in the provision of homelessness services, modeling landlord and tenant relationships.

Disputes that could occur within the particular framework of A Home For You may include (but not limited to) those between the County and contracted service providers, disputes within the contract service network, disputes between participating homeowners and ADU residents, and disputes between program participants and non-participating community members. In development of dispute resolution contract provisions for this program, the following questions may be beneficial to be considered: What is the role of the County in dispute resolution in consideration of its assumed liability? How will documentation of disputes regarding non-participating community members occur? Do the dispute resolution procedures involving homeowners and ADU residents change among the wide range of issues that may occur, such as perceived unsafe environment and/or behaviors, property destruction, noise abuse, solicitation of drugs, and unwanted guests from either party?

Potential program changes, requiring an issuing of change orders, may include a new local ordinance regarding land-use, rental properties, or tenant/landlord rights, severe property destruction, or significant dissatisfaction among participants and/or community members. A Home For You's current complexity suggests the program is likely to prove to be more complicated than originally understood within its five years of implementation. Contract provisions regarding issuing change orders may provide the County with opportunities to make necessary changes, as determined by changing conditions, building capacity for program success. In development of contract provisions for procedures regarding change orders, the following may need to be considered: Who at the County level and who at the service provider level (if any) holds authority to issue a change order? Are there particular change orders that have the potential to cause harm to the pilot program vision and mission? How are conditional changes evaluated and at what point is a change order considered necessary?

This pilot program has designated a timeline (five years) in which the services provided to the homeowners and ADU residents will reach completion. Whether it is in regards to the completion of the program, irreconcilable disputes, or condition changes, A Home For You will inevitably experience termination or transformation of all of its contracts. This may occur through an early termination of the program, its planned completion, or transformation into continued or additional services. Contract provisions regarding these procedures may assist the County in defining what constitutes successful completion of its various contracts as well as the process required if the pilot program transformed into continued services. In development of contract provisions for procedures regarding termination or transformation of a particular contract, the following may need to be considered: How will

service providers be held accountable for a wrongful termination of contract? If the program proves to be unsuccessful and requires early termination, what is the process in which this will occur? What evaluation tools or milestones will inform A Place For You about whether the program should terminate or transform?

## CONCLUSION

The movement of contracting out public service delivery has heightened the importance of successful contract management for Public Administrators. In light of an attractive money saving technique, public service contracts can involve complicated inter-organizational relationships in an effort to address even more intricate policy domains. Furthermore, public service contracts pertaining to homelessness services involve a wide range of stakeholders, exposing communities to great risk if not properly executed. Contracts with the capacity to successfully navigate these relationships throughout the operational phase utilize the best practice of including three distinct contract provisions: (1) dispute resolution, (2) change order, and (3) termination or transformation. Currently negotiating numerous contracts for homelessness service provision, A Home For You will soon solidify its different contract provisions. Multnomah County's pilot program has gained significant publicity for its particularly unique approach to this policy domain, potentially giving the County's public administrators an extraordinary opportunity to impact the future of homelessness services. A Home For You has a great deal of work ahead as it nears implementation. However, if committed to the inclusion of well crafted and in-depth dispute resolution, change order, and termination or transformation contract provisions, specific to each complex contracting relationship, the probability of program success may be well within the County's reach.

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