

Resolution in support of a WA Unhoused Persons Bill of Rights

Whereas time is of the essence to proactively and unequivocally protect unhoused people's rights and commit to permanently ending our unhoused crisis after the Supreme Court of the United States, in a [6-3 opinion](#) on June 28, 2024, ruled broadly that governments can criminalize people for sleeping outside, overturning the lower court's decision;

Whereas unhoused people and renters are facing increasingly insurmountable barriers to stable housing [amid sizeable and unregulated rent increases](#) and inadequate supply of affordable housing;

Whereas adopting a rights-based legal framework is necessary to clarify and mitigate [widespread discrimination against, and misinformation about, unhoused people, and has been an obstacle to effective policy solutions](#), and whereas, similar to protected classes like sex, race, and disability, unhoused people are now in need of protected legal status;

Whereas inclusion of unhoused people in the creation of policy that impacts their lives is now WA state law under the [WA Nothing About Us Without Us Act](#), which requires inclusion of people with lived experience and from underrepresented groups in statutory entities.

Whereas according to [July 2023 Dept. of Commerce Point in Time \(PIT\) counts](#), there were 6,760 unhoused people and an additional 1,213 unstably housed people residing in Whatcom County;

Whereas the [National Homelessness Law Center has argued that the PIT Counts are inaccurate](#), and actual numbers of unhoused people are much higher due to the manner, timing and methods of these counts. The Opportunity Council and local partners concur in their most recent PIT count report;

Whereas per [Opportunity Council's PIT count report released in July 2023](#), Hispanic-identifying people made up 14% of the unhoused population, but are only 10% of county residents, and people identifying as Black, African American, or African accounted for 4% of people counted as experiencing homelessness, yet make up 1% of the county's population. And, while people identifying as Native American/Alaska Native made up 10% of unhoused people counted, they represent about 3% of the county population, amid all numbers of unhoused people showing a big increase in 2023's PIT count;

Whereas legislating an end to our unhoused crisis necessitates a [housing justice](#) framework that [proactively addresses racism, structural violence](#), and how [income](#)

[inequality](#) is [creative of housing inequities and homelessness](#);

Whereas we lack comprehensive data for numbers of unhoused, unsheltered, sheltered, and unstably housed LGBTQ+ people in WA State and Whatcom County, but national surveys such as the [Trevor Project's](#) show much higher rates of poverty, homelessness and wellness struggles for LGBTQ+ youth; the [National Institute of Health's \(NIH\) research](#) points to greater precarity and a list of factors affecting LGBTQ+ people's health and wellness due to a range of structural, social and systemic failures and barriers, including poverty and lack of housing; and recent poverty studies by [UCLA](#) and the [University of WI](#) both point to significantly higher rates of poverty for LGBTQ+ people than for cis gender heterosexual people, disproportionately impacting *women/Trans/Non-binary/BIPOC* people who are LGBTQ+ (in contrast with white cis gay men);

Whereas the [number of children in WA State living in poverty in 2022](#) was 186,492, a figure that nearly tripled from 2021, and the number of unhoused families with children living in Whatcom County rose from an average of 68 families in years 2018-2020 to 88 families in 2021-2023, which is nearly a 30% increase, and persons under the age of 18 – including those living with families, made up 15% of [Whatcom County's 2023 PIT count](#);

Whereas WA State Coalition Against Domestic Violence [asserts that a housing-first approach is the most effective way to address cycles of homelessness for survivors](#), after

an evidence-based pilot program in WA State confirmed that claim;

Whereas [numbers of unhoused adult individuals in WA state increased](#) by almost 16% from 2020 to 2022, a 40% increase from 2007 counts;

Whereas 30% or more of unhoused adults in WA State have experienced a pattern of chronic homelessness; and in 2022, the number of [chronically unhoused adult individuals](#) had gone up 183.4% in WA State from 2007 counts, and the overall number of chronically unhoused adult individuals across the United States has far exceeded the highest number it has been since 2007, climbing over 15% in just two years between 2020 and 2022;^{16, 17}

Whereas [84 unhoused people died](#) in Whatcom County in 2023, more than double the 39 deaths in 2020. This year we're on track to go over 100, [with 56 documented cases through June](#). For perspective, [Los Angeles County recorded 900 unhoused people's deaths](#) which is .0001% of [its 2023 population](#) vs Whatcom County's .0004% of [our 2023 population](#). *In other words, in 2023, it was more deadly to be homeless in Whatcom County than it was in Los Angeles County*;

Whereas in 2022, 11.5% of Washington state residents, and 12.5% of Whatcom County residents overall, and 26.4% of Whatcom County Latinos, 21% of Whatcom County Black residents, and nearly 17% of Whatcom County children [were food insecure](#);

Whereas minimum wage has not kept up with increases in the cost of living, forcing low wage workers to work two to three jobs to afford housing and basic needs;

Whereas the [median rent for a one bedroom in WA State](#) increased from 2015 to 2022 by 75%, from \$826 a month to \$1,447, yet [WA State's minimum wage increased](#) by only 50% in the same period, from \$9.47 in 2015 to \$14.49 in 2022;

Whereas, according to the National Low Income Housing Coalition (NLIHC), WA State has the [5th highest housing wage in the nation](#), and [WA's 2024 housing wage](#), defined as an annual estimate of the hourly wage full-time workers must earn to afford a rental home at fair market rent without spending more than 30% of their incomes, is \$40.32 per hour, or 83 hours worked per week at minimum wage, to afford a modest one-bedroom rental home.

Whereas, in WA state, we face a significant and growing shortage of *affordable* housing that our legislature has thus far failed to adequately address, and according to [NLIHC's 2024 Gap report](#), we have roughly 237,903 extremely low-income households (\leq poverty level or 30% of area median income, whichever is greater) in Washington but only 65,922 affordable rental homes available to them, leaving [only 28 affordable and available rental homes for every 100 extremely low-income households](#) in our state;

Whereas the criminalization of unhoused individuals and communities via laws and ordinances that ban sitting, resting or gathering in public spaces, asking for donations, loitering, sleeping in tents or vehicles, and targeting third parties distributing food or supplies to unhoused people [violates the basic human and civil rights of unhoused individuals](#) to exist in public without fear of undue surveillance, harassment, violence, destruction of property, fines, vehicle impoundment, law enforcement intrusions into all of parts of their lives, including social activities, and/or arrest;

Whereas the Whatcom Democrats has passed resolutions

- [in support of urgent rent stabilization](#);
- asserting that homelessness, drug use, and nonviolent mental health issues should never be treated as crimes, in its [Securing Public Safety for ALL Resolution](#);
- In support of a full [transition to Medicare/healthcare for ALL](#);
- [calling for reform of Whatcom County's criminal legal system](#), by reducing unnecessary and inequitable incarceration and fully funding jail diversion and treatment programs, noting that in a 2022 survey almost half of the then-current jail population said they were unhoused prior to being jailed, and a majority said a stable home would have kept

them out of jail ([SAC Final Report, 45-46](#)), and highlighting that criminal legal systems involvement and jail are in part, generators of homelessness;

Whereas the [passage of laws such as the McKinney-Vento Act, which clearly define the educational rights of unhoused children, youth and students](#) have made a significant impact on public, agency, and lawmaker will to [expand funding](#), enact new policies that proactively address unhoused students' needs, and have helped to create a mandate for WA state legislature's [passage of budgets and policies](#) that support the education and growth of unhoused children and youth, generally. While a rights-based focus on education cannot eliminate child homelessness overall, it has demonstrated the success of using a rights-based framework, because it has resulted in a [reduction of the number of homeless children who are unsheltered](#), and improved educational supports, even as the numbers of unhoused families with children are steadily increasing;

Whereas legislating a permanent end to homelessness demands that we address the roots of the housing crisis and lay out a clear roadmap for new investments in affordable, accessible housing; preserving existing affordable rental housing; universal rental assistance; new community and cooperatively owned housing and land trusts that build poor people's equity over time; emergency assistance to help renters when they experience financial shocks; and establishing strong renter protections and regulations that prevent rent-gouging and [market manipulation](#) and stabilize renters in their housing;

Whereas codifying the rights of unhoused persons is an important and necessary step in affirming the dignity and value of all people's lives; and

Whereas a comprehensive Unhoused Persons Bill of Rights will help lawmakers and the public reach 1) a shared willingness to permanently end our unhoused crisis 2) a shared legal framework with which to create policy, budgets, and laws that impact unhoused people 3) a set of legislative actions and budget allocations that uphold unhoused persons' rights.

Therefore, be it resolved that the Whatcom Democrats:

Affirms the human rights of all people, but in the face of many social and systemic threats to their well-being and survival; especially and specifically affirms the rights of all unhoused persons.

Supports the passage of a national and a state-level [Unhoused Persons Bill of Rights](#).

Calls on Washington state, Whatcom County, and municipal governments, in concert with our State Legislature, to work to uphold, protect, and enforce the civil and human rights of unhoused individuals, including but not limited to the human rights to housing and emergency shelter, universal health care, healthy food, livable wages, education, employment opportunities, equitable access to public facilities, free association, public assembly, free movement and free expression in public spaces, privacy, confidentiality, bodily autonomy, internet access, the vote, freedom from harassment by law enforcement, private businesses, property owners, and housed residents, and equal rights to health care, legal representation, and social services without discrimination based on housing status.

Supports the passage of legislation across all levels of government that (1) enshrines a full and comprehensive listing of, and legal framework for, the rights of all unhoused persons, and (2) lays out a clear pathway to permanently ending our unhoused crisis by 2028, which:

- **Affirms the dignity and inalienable human rights of all unhoused people, including unimpeded access to quality healthcare;**
- **Provides strong enforcement mechanisms to address violations of unhoused people's rights,** including but not limited to private right of action; regular and comprehensive

programmatic, agency, and departmental audits for compliance; the enactment of public accountability and transparency measures; and creation of new enforcement bodies and mechanisms to address current and emerging harms to both unhoused people and renters;

- **Requires the inclusion, participation and centering of unhoused people's expertise, voices, concerns, experiences, and systemic critiques in the creation of laws, procedures, policies, plans, and budgets that seek to address this crisis and their needs;**
- **Provides for the commission of expansive, newly enacted where needed, innovative and sufficient budgetary resources** that will enable us to permanently end our unhoused crisis by December 2028;
- **Addresses historical, current and emerging harms, with particular attention to:**
 - 1) **repairing historical housing inequities** created by practices such as redlining, racist and classist covenants, inequitable zoning, and land use codes.
 - 2) **current and rapidly emerging digital threats to unhoused people's rights and access to housing** such as algorithmic price-fixing, rental inflation, opaque automated decision systems used by both private sector and public agencies that easily hide discrimination and bias behind proprietary algorithms claiming to prevent crime, fraud and/or to ease administrative burden, and the use of data-broker enabled profiling and predictive tools to surveil.
 - 3) **enacting restrictions and bans on surveillance of and data collection from and about unhoused people and renters** which are installed without the non-coerced and fully informed consent of unhoused people and tenants, such as surveillance cameras, [wifi-sensing](#) and/or recording devices in/around housing, tracking and geofencing technologies, biometric data collection; and the access or sharing of such information with data brokers and law enforcement.
 - 4) **preventing and rolling back the criminalization and targeting of unhoused people by law enforcement based on their housing status and/or poverty**, including decriminalizing and de-stigmatizing people struggling with various health crises that affect both housed and unhoused people, including drug use and addiction, untreated medical conditions, unaddressed trauma and suffering, and all other forms of ill health due to lack of consistent access to high-quality affordable vision, health, dental and/or holistic care.
- **Prioritizes and enacts clear budgetary, legal, and development pathways to proactively address inequities and injustices that unhoused people face** at the hands of our social, economic, business, non-profit/charity, educational, and governmental institutions, agencies, and systems;
- **Designates the current and rapidly growing numbers of unhoused people as a public health crisis, and acts to address its root causes, including but not limited to the passage of legislation and policy to eliminate poverty, ensure access to financial services such as banking, postal mail service, voting, and other important forms of civic and socio-economic participation;**
- **Prioritizes a housing first model that ensures access to no and low barrier services and resources alongside housing;**
- **Prioritizes affordable, long term, stable housing for all poor and unhoused people**, including but not limited to community and cooperative land and housing trusts, programs that enable all people to build equity and credit over time, supportive and assisted housing,

youth and young adult shelters and housing specific to their needs for safety and security, co-housing, intergenerational housing, transitional housing, tiny-homes, and sustainable off-grid and/or net zero housing projects, repurpose of commercial and vacant buildings for housing, strong restrictions on Airbnb and temporary vacation rentals, bans on hedge fund acquisitions and/or corporate ownership of multiple single-family homes, and a rollback or ban on corporate ownership and rental of homes as single room rentals under WA State's new co-housing law;

- **Creates clear policies for improvements and changes to current data collection and sharing systems by, about, and for unhoused people** which prioritize both greater accuracy in counts (and thus budget allocations) *and* unhoused people's rights to privacy, security, personal and civil liberties, freedom from harassment, discrimination, and systemic harms, and their long-term equitable and dignified inclusion in civic life and public spaces;
- **Removes barriers and red tape** for unhoused people to access services, resources and healthcare, **and eliminates undue administrative process burden on unhoused people** across every system and agency they interact with while maintaining their rights to bodily autonomy, privacy and free expression.

Unanimously adopted by Whatcom County Democrats at their July 27, 2024, monthly membership meeting