

Opinion: Here's how to really help Utah's homeless

Utah also needs a Homeless Bill of Rights. This document would provide protection for unhoused individuals when their appearance as seemingly unsheltered is judged over their actual actions

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By [Hanna Jackovich](#)

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<https://www.deseret.com/opinion/2022/3/1/22954998/utah-homeless-bill-of-rights-operation-rio-grande-crime-shelter-solution>



Stoner Sturgis and Lacey Kapsimalis, who have been homeless for nine and five years, respectively, gather their belongings in Salt Lake City on Friday, Feb. 25, 2022. Their tent, sleeping bags and belongings were taken during a cleanup effort earlier that day.

Kristin Murphy, Deseret News

The issues facing Utah's unsheltered population aren't going away anytime soon. Like many local organizations, the ACLU of Utah is working to understand our state's shift from being touted as a [national model for addressing homelessness](#) to more recent reports showing [mixed successes](#) and a rising unsheltered population across the state.

While some policies and investments improve outcomes, other actions set us back. For example, the ACLU of Utah documented in detail the [lasting and negative impacts](#) of Operation Rio Grande that left the unsheltered community struggling to escape the revolving door of the criminal legal system. It has also taken time for service providers, community leaders and government officials to implement strategies to add more affordable housing and emergency shelters. Disagreement between stakeholders — such as the best ways to use public funds or deciding locations for facilities — can delay the implementation of programming and housing resources while everyone waits for new resources to come online.

This critique is not to undermine the value of well-developed programs that require vast input, figures across time and training or construction before implementation. Rather, it is to admit that while these complex processes are underway, hundreds of people are waiting on the streets for something to change.

[HB440, Homeless Services Amendments](#), acknowledges these issues and supports housing and services for our unsheltered community. It requires municipalities that qualify for first-tier unsheltered resource funding (which accounts for more than 90% of mitigation funds) to create an overflow shelter plan long before the snow falls each winter.

Additionally, these municipalities must report on the use and effectiveness of the funding after each year. This will be expanded to include information on how frequently and strictly no-camping enforcement occurs.

The ACLU of Utah supports this bill because housed individuals are at less risk to have their civil rights and human dignity violated. For example, housed and sheltered individuals are less likely to experience the devastating impact of unlawful searches and disposal of personal property. Important documents, such as birth certificates, vaccine records and essential lifesaving items like medication, clothing and sleeping bags can be trashed as the result of these violations of the Fourth and 14th amendments.

Another solution that should be on the table for the next legislative session is a Homeless Bill of Rights. This document would provide protection for unhoused individuals when their appearance as seemingly unsheltered is judged over their actual actions.

Our neighbors who live unsheltered have many stories of maltreatment by those aware of their lack of stable housing. Oftentimes, this goes against initiatives aimed to help them. One individual that I spoke with mentioned he was grateful for a government-provided cellphone he received to contact case managers, find city resources and connect with friends. Yet he struggles to keep the battery charged and often waits by charging stations around the city until security personnel ask him to leave.

He has a cellphone but lacks reliable access to an electrical outlet — a convenience most of us take for granted.

[The Homeless Bill of Rights](#) passed in Illinois shows us how this approach can look in practice. It creates a legal tool to address violations by allowing civil legal action in state court and awards reasonable attorneys' fees to plaintiffs who win. Including this measure of enforcement would ensure attorneys are encouraged to pursue a viable case protecting the rights of an unsheltered person regardless of ability to pay.

With civil liberties in mind, lawmakers and other stakeholders should strive to make progress in securing unsheltered individuals' rights and dignity. If we follow this model, it could return Utah to being a model state for addressing unsheltered community issues.

As bills related to housing and homelessness pass through this legislative session, the ACLU of Utah stands by to remind lawmakers that civil rights exist for all, regardless of housing status. As a positive first step, we support HB440 to ensure individuals have adequate access to shelter and municipalities take action to make sure unsheltered communities have their needs met. And Utah should join [the eight other states](#) that have proposed a Homeless Bill of Rights to protect both civil rights and human dignity.

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