



Neutral Testimony on Senate Bill 542

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On behalf of Cicero Action

Kansas Senate Committee on Ways & Means

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Chairman Billinger and Members of the Kansas Senate Committee on Ways & Means:

Good afternoon! My name is Andrew Wiens with Dugan Consulting Group and I'm speaking today on behalf of Cicero Action. Cicero Action is a nonprofit, nonpartisan advocacy organization that partners with government leaders on policy solutions that use transparency, accountability, and competition to enable innovation and uplift our fellow citizens.

Thank you for the opportunity to testify as a neutral conferee on Senate Bill 542. Cicero Action's views on homelessness are borne out of a desire to reduce street homelessness, in contrast with the results of failed, ideologically-driven policies promulgated by HUD and embraced by local bureaucrats in many urban areas across the country which have resulted in more and more spending on homeless services for worse and worse results. As demonstrated time and time again, allowing street camping attracts more homeless individuals and takes away tools to encourage needed services. States can reduce street homelessness by providing innovative shelter options, empowering successful nonprofits, and emphasizing drug and mental health treatment.

Testifying as neutral on a piece of legislation at the Statehouse is usually a "loaded" position. So let me attempt to explain the reason for Cicero Action's neutrality on this bill, focusing on the parts of the legislation that we agree with and areas where we think it can be improved.

Funding for Homeless Shelters

We believe additional funding to support the building of or capital improvements to congregate and non-congregate shelters for the homeless is a good thing. However, this statement comes with an important caveat—these additional dollars must be paired with strong policy reforms to ensure these taxpayer dollars are invested wisely and not squandered. I'll address our suggested policy changes in the next section below. Regarding the additional funds to support homeless shelters, we believe the newfound need for these dollars from the state is, at least in part, a consequence of the failed Housing First policy.

The failed Housing First policy¹ that the federal government has followed for a couple of decades has had disastrous consequences. While examples could be cited from many places across the country, including Portland, Seattle, New York City, and Phoenix, perhaps some statistics from the state of California² will sufficiently cover it: "Beginning in 2016, California law has required that all state and local homeless policies follow Housing First principles. However, since Housing First became law, chronic homelessness in California has increased, rising from 32,000 in 2016 to about 61,000 [in 2022]. Before the new law took effect, chronic homelessness fell from 65,000 in 2005 to 32,000 in 2015."³

¹ <https://ciceroinstitute.org/research/housing-first-is-a-failure/>

² <https://www.cato.org/blog/evidence-also-calls-californias-housing-first-homelessness-strategy-question>

³ <https://www.independent.org/news/article.asp?id=14665>

Housing First has decimated shelter capacity in this state and across the country. Housing First focuses Continuum of Care (CoC) dollars away from homeless shelters and instead toward Transitional Housing and Permanent Supportive Housing (PSH).⁴ We are aware of domestic violence shelters in Kansas that have had their funding reduced because they no longer qualify under the CoC funding model. “The federal government also allots Wichita about \$2.8 million dollars annually to put toward ending homelessness and helping with housing needs like rental assistance. But none of it can be used for emergency shelters... These dollars are ‘centered on the philosophy of housing first.’”⁵

We may have a finger on the pulse of the problem. As Housing First contributes to an increase in the homeless population and directly leads to a decrease in capacity at our homeless shelters, it is no wonder more and more homeless individuals are ending up in our streets.

Enforcement of Laws and other Homelessness Policy Provisions

While this bill contains some homelessness policy reforms aimed at grant recipients, we believe we must appropriately strengthen these reforms and apply them statewide. SB 542 includes the requirement that grant recipients “enforce local ordinances regarding camping and vagrancy.” Enforcement is a tool that localities can use to encourage people to move off of the streets and into safer situations. However, we believe that, absent a broader requirement that all localities in Kansas enact and enforce street camping bans, this grant program will create a “moving target” for the subset of the homeless population that doesn’t want treatment or services and would rather camp on the streets. A public policy environment that creates pockets of the state where enforcement is occurring (the grant recipients) will likely lead to other pockets of the state (perhaps nearby towns or suburbs) where this subset of the homeless population will relocate. We may end up with a street camping balloon—when it’s pushed on one side it expands on another.

Additionally, we believe this is the right policy at the right time in Kansas. **Street camps are dangerous to the public and the vulnerable homeless alike.** As we’ve seen on too many occasions in Kansas, homeless camps are often hotbeds of violence, especially against women⁶ and children⁷ and those who are homeless themselves.⁸ It is not compassionate to let the homeless stay on the streets, either for the homeless individuals who often have substance use or mental health problems,⁹ or for the general public whose lives are endangered, properties damaged, and public spaces degraded by this state of affairs.

⁴ <https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/coc-eligible-activities/operating-costs/ineligible-costs/>

⁵ <https://www.kmuw.org/2023-11-20/homelessness-in-wichita-is-growing-dollars-arent-keeping-up>

⁶ <https://www2.ljworld.com/news/public-safety/2024/mar/01/at-north-lawrence-campsite-where-woman-was-killed-family-members-feed-the-homeless-in-her-memory-and-call-for-justice/>

⁷ <https://apnews.com/article/girl-killed-topeka-kansas-a39c4aa86bd21287f981c4a09a58576d>

⁸ <https://www.ksn.com/news/crime/battery-incident-leaves-one-critically-injured-in-north-wichita/>

⁹ <https://newsroom.ucla.edu/releases/serious-health-conditions-trauma-unsheltered-homeless>

This enforcement of street camping bans is widely supported in Kansas. According to a recent poll conducted by the Cicero Institute, 83% of Kansas voters believe moving homeless individuals to shelters is more compassionate than leaving them on the street, and a majority (54%) believe we should prohibit homeless camps on the streets and in other public places.¹⁰

We also suggest that you look at changing the bill to allow a person to bring a writ of mandamus for a violation of the enforcement provisions. This is a legal avenue that could compel government officials to properly fulfill their official duties as provided by law, if they are not doing so. **A writ of mandamus is an attempt to provide taxpayers with a reasonable way to enforce the enforcement.** As you know, in some parts of the state, the situation has devolved to the point that local citizens have filed suit when local governments fail to carry out their responsibilities as it relates to homelessness (e.g., the lawsuit in the City of Lawrence related to “property damage, violence, and other violations” including “not enforcing prohibiting illegal camping, drug use, disturbing the peace, and other city ordinances”¹¹).

We support the language in SB 542 that requires a local funding match as well as the claw back provision for misuse of funds or for not enforcing the street camping bans.

We also believe that it’s time to address the problem of homeless individuals being transported by government officials from one jurisdiction to another, as discussed in the meeting of the 2023 Special Committee on Homelessness.¹² This committee should consider including language to prevent localities from dropping off homeless individuals outside their jurisdiction within the state of Kansas, unless the individual was previously a resident there or they make a warm handoff to a receiving party. The underlying language in SB 542 prioritizing wraparound services for Kansas residents seems to be an attempt to address this issue as well.

Finally, I should note that this Legislature has invested significant resources in improving mental health and substance abuse treatment in the state. However, we need to make it easier to help those individuals who cannot help themselves. **Many homeless people suffer from chronic and untreated mental illness. For those that are a public nuisance or a danger to themselves or others, there must be another option besides prison and abandonment.** By providing options like assisted outpatient treatment (AOT), which is a less restrictive alternative to inpatient treatment, states can let judges get people the help they need while respecting due process rights. HB 2353, which has passed the Kansas House this year, is a step in the right direction to enhance AOT in Kansas. It is our hope that the wraparound services required of the grant recipients in SB 542 will also include appropriate mental health and substance use treatment.

Thank you for the opportunity to submit neutral testimony on SB 542. We support the funding for homeless shelters when paired with the statewide enforcement policies and other suggestions outlined above, and respectfully ask this committee to do the same.

¹⁰ <https://ciceroinstitute.org/research/cicero-institute-spotlights-key-insights-from-kansas-homelessness-poll/>

¹¹ <https://www.kctv5.com/2023/12/12/lawrence-businesses-sue-city-over-safety-around-homeless-camps/>

¹² <https://www.ksnt.com/capitol-bureau/homeless-people-sent-to-lawrence-larger-cities-in-kansas-officials-said/>