

Once again, the business community in Austin, Texas (any business community USA) is pushing a Quality of Life Ordinance targeting homeless citizens. The following is our response that has resulted in the Council Member carrying this bill to stop the push.

House the Homeless Takes a Stand

As we are well aware, the Downtown Austin Business Alliance (DABA), the East Sixth Street Community Association (ESCA) and Sixth Street Austin (aka) Pecan Street Owners Association), among other businesses, which includes, but certainly not limited to, the Alamo Draft House, B.D Rileys, Iron Cactus Cafe, the Margarita Bar, El Sol Y La Luna, Parkside, Blind Pig, and the Old Pecan Street Cafe are all promoting the expansion of the anti-panhandling ordinance from 7:00 PM to 7:00 AM to around-the-clock, 24 hours a day, in the downtown area.

House the Homeless (HTH), the oldest grassroots, all-volunteer, action homeless organization in the State of Texas, made up of people experiencing homelessness, formerly homeless people and others wishing to end homelessness, is strongly against the expansion of this ordinance. Although HTH has stated repeatedly that it does not condone panhandling, and it outright condemns aggressive panhandling, its members will fight to their last breath for a person's right to ask his or her fellow human beings for help.

A Fair Wage For A Fair Day's Work

The President of ESCA has said with conviction that "All of our businesses pay a Living Wage or more than a Living Wage." This is a blatant untruth. Upon investigation, House the Homeless has learned that none of the businesses listed here pay a Living Wage. In fact, they all take advantage of a loop hole in the Fair Labor Standards Act of 1938 for which businesses had previously lobbied Congress. Presently, the Federal Minimum Wage is \$7.25 an hour, which is less than \$15,000 per year. Where people are earning a living based on "tips", employers can pay these employees as little as \$2.13 an hour so long as you and I as patrons, bring the wage up to the Federal Minimum Wage. We tip to express our gratitude to individuals who provide us good or exceptional service as a way of saying "thank you". Who among you realize that you are being relied upon to provide the base pay of each and everyone of these employees? (Note. B.D. Rileys pays its' employees only \$2.81 per hour).

Again, this gouging of patrons merely brings the pay amount up to the Federal Minimum Wage, which has been widely known to be wholly inadequate to attain housing. In fact, according to the last several US Conference of Mayors' Reports, insufficient income is a leading cause of homelessness. They point out that nowhere in America can a person earning at the Federal Minimum Wage get into and keep basic rental housing. Whatever happened to "A Fair Wage For a Fair Day's Work"? Do these businesses act responsibly or morally if they don't even pay their employees enough to make ends meet so they can afford basic housing?

Employers who benefit from the labor of their workers need to ensure that the people working for them are able meet their core needs. This is known as a Living Wage. This means, at a minimum, paying a person who works 40 hours in a week enough to afford basic food, clothing and shelter (including utilities).

Lack of Cooperation and Resistance:

Unfortunately, DABA, ESCA, and Sixth Street Austin have not participated in or contributed one thin dime to alleviating the root causes of homelessness. When the City of Austin reached out to the Federal government and borrowed eight (8) million dollars to create the current ARCH, the only DABA contribution was to insist that there be metal detectors at the front doors. In addition to serving as president of House the Homeless, I operate Legal Aid for the Homeless, the 5th Resource Center for the homeless since I started in 1989. None of these business organizations have supported any of these centers.

It was circa 1995 that House the Homeless first engaged the DABA (then known as DAA) when it pressed for the passage of the "No Camping" Ordinance. The issue set the city on fire. House the Homeless took out a full-page ad in the Sunday ***Austin American-Statesman*** showing how it was cheaper to house and job train all homeless people, as opposed to jailing them. However, facts such as those did not deter the DAA. Everyone had a position and everyone chimed in. Steven Fromholz, singer/songwriter, camped out with us, as did Molly Ivans, who said: "Outlaw camping? That's just silly. I'm a Texas gal and I like to camp." Bruce Springsteen was in town, and in support, he gave HTH the proceeds from his t-shirt sales. All the while, the DAA insisted that this was an "urgent matter", and that once they got immediate relief, we could "slow things down and start looking at deeper, more substantive issues and causes of homelessness."

Additionally, rather than pay wages that would enable minimum wage workers to avoid experiencing homelessness, the DAA has dipped into the city coffers and funded, in part, their own private police force - The Downtown Rangers. The rangers are separate and apart from the Austin Police Department. But the DAA didn't stop there. The DAA said that it was "the homeless who were filling our jails with drunken episodes, and thus creating the need for a 'Community' Court". House the Homeless contended that this was not true. Later, when the statistics came out showing that the biggest offenders were University of Texas students, the DAA remained undeterred by the facts, and went on to press for the creation of the community court, separate from the municipal court only one block away. And again, this comes at a significant cost to taxpayers.

*Note: Today, in the Austin Metropolitan Area there are only two (2) substance abuse treatment beds for single, adult males outside of the criminal justice system. They have it set up so that these beds are reserved for people who are in violation of the "Quality of Life Ordinances," i.e. no sitting, no lying down, no camping, etc. These are all ordinances promoted by these businesses directed at people experiencing homelessness and all under the banner of urgency. This refrain has been repeated over and over again with the passing of each "Quality of Life Ordinance" - no camping, no sitting, no lying down, no

aggressive panhandling etc., all of which the DAA has rushed toward passage declaring an urgent need each time. With no subsequent significant efforts to address the root causes of homelessness being offered, House the Homeless can no longer consider espousers of such mantra as "honest brokers".

In a city that so dramatically lacks resources for people experiencing homelessness -- If you have ever played musical chairs as a child, you know that 4,400 people cannot easily fit into 650 emergency beds -- can we constitutionally pass muster under the necessity argument? And in a city where 55,000+ university students are channeled into the Entertainment District, would we be able to defend exclusionary practices regarding freedom of speech arguments?

The Criminalization of Homelessness

In fact, actions by the DAA/DABA have collectively created what House the Homeless refers to as the Criminalization of Homelessness Cycle. The Cycle works like this: (1) businesses pay so little that it causes minimum wage workers to fall into homelessness; (2) there is a wholly inadequate response with less than 650 emergency shelter beds (for every man, woman and child) for an actual head count of about 4,400 homeless people; (3) The City Council (at the urging of the DABA) passes "Quality of Life" laws against camping, sitting, lying down, loitering, solicitation, etc.; (4) citizens can't pay \$200-\$500 fines and must work for free "Community Service." (Some have called this "slave labor".) To continue -- (5) Workers are later jailed when Class C criminal tickets go to warrant and people are forced to panhandle to survive, but are now labeled "criminals;" and (6) people can't rent or find jobs due to their criminal records and remain homeless.

The DABA continues to say that they are attacking the act, not the actor.... and panhandling, not the people who are panhandlers. But there is danger in this broad brush approach. ***The Austin Chronicle*** just published an expose entitled Panhandlers for God. They focused on an organization calling itself Austin Restoration Ministries or ARM. ARM is described as an organized group of panhandlers who aggressively demand attention and money to support what was described as a dubious substance abuse treatment ministry.

The first thing that we need to note is that ARM's behavior as described is clearly illegal under the Anti-Aggressive Solicitation Ordinance. Also, as depicted, it should be repudiated. What was described was a highly organized scam, relying on intimidation to commit highway robbery. House the Homeless would be among the first to condemn the suggested activity. However, one does have to ask why the citizen who was interviewed failed to act and report the illegal activity, and then press for a legal response of the existing law, to have it stopped. There is something very disquieting in this and the recent findings of the ACLU and their Open Records Request. This revealed that the point person for the DABA anti-panhandling initiative, Bill Brice, likewise had not attempted to use the existing law before he and his business buddies launched into yet another "emergency" response to pass laws against persons experiencing homelessness.

Nonetheless, the alleged activity cited in the Chronicle is that of an organization, not individuals.

But the question of reporting is greater than just this limited view. I've read in two reports and had one conversation that Front Steps is supporting the expansion of this ordinance because of two frightening encounters with aggressive panhandlers by their Board members. This unacceptable behavior and should not be tolerated. The suggestion that they should have reported the incident to the Police was waved off with "neither they nor the aggressive panhandlers would have waited for the police to arrive." Well maybe the victim would not wait, but I'll guarantee you that the person standing on the corner is not about to abandon his or her corner. And how are they going to know that you placed a call to the police on your cell phone? They wouldn't. Life is not always convenient. There is a law in place against aggressive pan handling and just because we would be too inconvenienced to have it enforced is no justification to enact yet another law...especially one that curtails freedom of speech. Again, I guarantee you that if you pull one of the aggressive panhandlers away from their source of income for half a day to explain their aggressive behavior, you will see a sea change. But as it sits now we see no complaints and no efforts to enforce the current law.

Targeting the Homeless:

As stated, the DABA and all these businesses continue to contend that they are "not targeting the homeless; rather, they are targeting behavior". Really? Consider this: when House the Homeless pointed out that firemen were stepping into traffic (with bag pipes) to solicit motorists for money, an exception was made and a state law was changed. What will happen when the Salvation Army asks for an exception for its bell ringers? When the Austin Advocate asks for an exception for its vendors, will it be granted?

The other day while leaving ARCH and racing to a meeting, a person experiencing homelessness ran up to me and presented me with a ticket that he had received for "Aggressive Panhandling." He is a struggling Austin musician who plays an acoustic guitar, is homeless, and plays with his guitar box open for contributions. He insisted that he had no sign and the only words that came out of his mouth were song. Racing away, I told him how important it was that I get a copy of the ticket. Clearly he was not aggressively panhandling. But the question sits on the table like an 800 pound baby elephant. If this ordinance were to be expanded, in the "Live Music Capitol of the World", would you again write an exception to the ordinance to allow for such activity in the downtown Entertainment District? Firemen, bell ringers, newspaper solicitors... how many exceptions before the charade is exposed and it becomes clear to everyone that people experiencing homelessness are being targeted.

What about the Neighborhoods?

The DABA and all the associated businesses cry for relief from the "siege" they suffer under by people experiencing homelessness, and those who panhandle for survival. But

what do they say about their concern for the neighborhoods around them who would clearly then become victims of the relief that they seek. The business mentality is, "I got mine...good luck to you." Is that good community partnership? No. It is elitism. Good community citizenry is evidenced by the City of Austin, who pays a living wage to the least among its employees and to Travis County, who worked to get to that position, and to CVAN R Automotive, Wheatsville Co-Op, Run Tex and others who pay living wages or have pledged to work toward them because it is the ethical thing to do.

This is a new day and a new way. We must all be our brother's keepers. Everyone should be paid a fair wage for a fair day's work, and everyone should have a roof over their head (other than a bridge). Until that day, House the Homeless will continue to stand up with our brothers and sisters who ask: "Buddy, can you spare a dime?"

What Do The Surveys Say?

On Tuesday, August 19, 2008, the City of Austin received the results of its Commissioned Solicitation Survey from the University of Texas School of Social Work. They had interviewed 103 individuals, specifically excluding any kind of organized solicitation, and found that: (1) These individuals were soliciting (panhandling) for daily survival and (2) Making persistent efforts to work, with a long work history. They found that 51 percent of those surveyed wanted job training and 52 percent were looking for work.

In the Community Action Network (CAN) Unsheltered Homeless Count Survey, conducted in Austin in May, 2007, over 200 respondents were interviewed. When asked as to the cause of their homelessness, 100 said it was because of "being unable to pay either their rent or mortgage." Another 188 said it was "due to unemployment."

In a third survey, this time conducted by the City of Houston Health and Human Services Department, 345 persons were interviewed. When asked their reason for their street solicitation, 250, or 72.5 percent, stated "income for survival." When asked if they enjoyed street solicitation, 280, or 81.2 percent, said "No." When asked what would be required for them to stop street solicitation, 196, or 56.8 percent, responded with "employment."

A fourth survey was conducted by House the Homeless, Inc., in Austin in November, 2007. In this instance, 526 people experiencing homelessness were successfully interviewed. Thirty-six point eight (36.8) percent said they were working at the time of the interview. Remember, the U.S. government found 42 percent of those experiencing homelessness nationwide were working at the time of their interview. When asked if they would work a 40 hour week job if they were sure it would pay them enough to afford basic food, clothing and shelter (including utilities) (in other words, a living wage), 468, or 90.7 percent, said they would work 40 hours for a Living Wage.

In a subsequent fifth survey, conducted January 1, 2009 by House the Homeless, 429 people experiencing homelessness were interviewed. When asked for the cause of their homelessness, "job loss" and "insufficient income" ranked as the 1st and 2nd answers respectively.

The findings from the surveys are self evident. People want to work, and they want to be paid living wages. But, regardless, the DABA has once again refused, by failing to pay fair living wages, to take responsibility for their role in both creating and maintaining homelessness in our town. They continue to act as non-community partners who are some how entitled to their own private police force, their own set of laws and a separate court system all at the tax payers' expense, while at the same time, failing to exercise basic moral and ethical standards by paying a fair wage for a fair day's work. Instead, they are relying on the compassion of their patrons to step up and fill their moral void while they press for more and more laws and ordinances to isolate and insulate themselves and their businesses.

Needs and Solutions:

Bottom line...people experiencing homelessness fall into two distinct categories: those who can work and those who cannot work.

- We must help complete the work of the "Let's Get to Work" Task Force. We must ensure that their idea of involving Community Sponsorship to move people out of transitional housing, secure basic additional education and then secure Living Wage jobs on a temporarily supported basis is paramount for the basic health of our community. It is simply not reasonable to expect that after we have put them through the Continuum of Care Process and brushed them off, dried them out and prepared them for work, that we can simply then put them back into an under-funded economic system and expect them to thrive. The rate of recidivism will be close to 100 percent.
- As long as there is no clear pathway that will move people from homelessness into emergency shelter, then into transitional housing and then into a living wage job that affords them regular housing and a reasonable opportunity to remain housed, while receiving adequate health care, then for that homeless individual, Front Steps, Caritas, House the Homeless and all the rest of us are falling short.
- We must promote such innovative programs as Habitat on Wheels being promoted by Mobile Loaves and Fishes that offers truly affordable housing based in a true community of active participation and love.
- We must put our preconceived prejudices aside and seriously consider and actively promote the type of "Wet Housing" that is being promoted by Front Steps. The current approach to substance abuse is limited, exclusionary, prohibitively costly and simply not working.
- For those who cannot work, we need the federal government to fix the Supplemental Security Income (SSI) levels so that people can be housed.

- For those who can work, we must provide a Universal Living Wage. Imagine working five or six days a week and with no time off and no vacation. If you were to let the stress overwhelm you and not show up just one day, you are quickly on a direct path to homelessness. And to expect that these same workers who work a full-time job at McDonalds, who still do not have enough to pay the rent after exposure to constant performance and time pressures while sweating over a hot grill, can long avoid homelessness is short sighted and unrealistic.

The Federal government isn't moving so fast to include the minimum wage worker. So we, as affected Austinites, must act. We must provide our own leadership to create change. Since House the Homeless first devised the Universal Living Wage Formula in 1997, the Federal government has created "Locality Pay," and the U.S. Military has moved from the VAH pay system to BAH - Base Housing Allowance, which recognizes that we are a nation of thousands of economies. And now the Federal government, itself, recognizes geographic considerations as well through its Locality Pay enhancement stipend program. That just leaves "We the People" out. Just as the Federal government abdicated its role of housing our nation's poor under the Regan Administration, causing homelessness to percolate up in our urban centers (Austin included), it would seem that they are leaving the wage issue to us as well.

The Federal government isn't moving so fast to include the minimum wage worker in their new found realization that the wage must be indexed to the local cost of housing because again, we are a nation of thousands of economies.

Conclusion:

Every time that Congress raises the Federal minimum wage, it is tamped down by short sighted business interests that fail to realize the potential retraining cost savings. The limited increases are always an amount which is less than that needed to enable workers to reach the Federal Poverty Guideline. The result is economic slavery of millions of people, now evidenced by the 3.8 million people experiencing homelessness nationwide and over 4,000 in Austin again this year.

If we were to ask a person experiencing homelessness for a letter grade on how we are doing, and if they were honest, the answer would be "F". The problems of homelessness are being left up to the communities of America to resolve. And resolve them we must, but it will require that each of us participate as cohesive community partners...with no exceptions. This is a new day with new opportunities for our businesses to assume the leadership roles that they deserve. But until our businesses recognize this and join hands with us in a force strong enough to defeat homelessness, this societal disease will only continue to grow and divide our community.

***I went to the corner and held up a sign today
Someone rudely told me "I have bills to pay"***

***I thought how lucky a roof and a bed
Luxury like that would go to my head***

***How can you sit there and look down your nose
Because my hair is messy, or maybe my clothes***

***All you see is someone you think is drunk or full of drugs
Someone diseased and full of bugs***

***It's amazing how totally wrong you can be
I'm completely sober, no bugs, AIDS, or VD***

***I'm a good girl, God's laws I don't break
But tonight you'll sell yourself for a few drinks and a steak***

***Although it may take 4 hours because of people like you
to get "two burgers please" from the dollar menu***

***It wouldn't take much just a five or a one
Not your car or house or fist born son***

***What harm would it be for you to give
a little money to help me live***

***And although my life is harder than you could have guessed
I smile through each day knowing I am truly loved and blessed***

-Deborah Smith 2009

See:

www.NationalHomeless.org

www.UniversalLivingWage.org

Richard R. Troxell, President
House the Homeless, Inc.
Livable Incomes Coordinator
National Coalition for the Homeless
(512) 796-4366