

## **Homelessness and Public Property (work in progress)**

### ***Why the Study of Public Space?***

At first blush, homelessness is a poverty issue. Indeed, there is little debate that the homeless are extremely poor and that studying the causes of poverty and the handicaps correlated with poverty is useful. For instance, one might ask who the destitute are: are they disproportionately mentally ill, addicted to drugs, or from a particular minority group? Or one might ask what the causes of homelessness are: is poverty the result of overpowering institutional forces or is it the result of laziness among the indigent?

However, one must consider the utility of framing homelessness solely as a problem caused by poverty. It is extremely difficult to answer the questions begged within a poverty framework and most data gathered in an attempt to answer such questions is of questionable reliability. Furthermore, even if a study of poverty did produce a well-founded solution, there would likely be insufficient funding to implement that solution.

Thus, a public property perspective on homelessness provides a more tangible complement to the poverty perspective. We know that the homeless by definition exist perpetually in public space and as a result that any shift in the law or policy of public space will potentially have an immediate effect on the homeless population.

### ***“End of Public Space Literature”***

The discussion of public space and its effects on the homeless exist within a body of literature dubbed “end of public space literature.” It is agreed that since the late 1980s there has been a reclaiming of the commons through privatization and regulation. In short, cities have revitalized their downtown cores with flashy redevelopments and the criminalization of undesirable or illegitimate behaviour.

It is further agreed that the reclamation has had a disproportionate effect on the homeless. Specifically, when a particular parcel of public space is privatized, the homeless lose their right to live in that space. Moreover, if a particular act is banned in public space – and a homeless person cannot garner permission to conduct that act on private property – then a homeless person is not free to conduct that act.

### ***The Debate***

The debate boils down to whether the reclamation of the commons is justified. One group of theorists argues that the status of homelessness has been criminalized. They point to jurisdictions in which life sustaining acts such as eating, sleeping, and urinating have been banned in public spaces. Being that the homeless have no private property upon which to conduct such acts, these theorists conclude that the homeless have no right to “be.”

Another group of theorists argues that because public space is important to all members of society, all must feel comfortable to use it. To this end, these theorists support the enforcement, through punitive measures if necessary, of a code of public decorum. The homeless are regarded as resourceful agents who are able to choose whether or not to adhere to the code of decorum.

A third group of theorists argues that the effects of the reclamation of public space have been oversimplified and perhaps exaggerated. They provide evidence that not all cities have instituted punitive measures against the homeless. Moreover, they contend that even in jurisdictions where punitive ordinances have been promulgated, the effect on the homeless population is questionable. For instance, such ordinances may not be rigorously enforced or may be accompanied by expanded services for the homeless.