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## HOMELESSNESS AND THE LAW SYMPOSIUM

### HOMELESSNESS AT THE MILLENNIUM: IS THE PAST PROLOGUE?

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“We need to adopt a new approach, to create something qualitatively different, a new system.”<sup>1</sup>

“Permanent solutions to homelessness must address its fundamental causes: the shortage of affordable housing, inadequate income to meet basic needs, the lack of social services, and political

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1. Henry G. Cisneros, Secretary of the Department of Housing and Urban Development, announcing an implementation plan for a new homelessness initiative in Washington, D.C. *HUD Washington Initiative to be Prototype for Other Cities*, 21 [Current Developments] Hous. & Dev. Rep. 292 (BNA) (Sept. 27, 1993) [hereinafter *HUD Prototype*].

disenfranchisement."<sup>2</sup>

"A more comprehensive and better financed attack on homelessness is overdue in this country."<sup>3</sup>

## I. INTRODUCTION

Homelessness has been a part of the current national consciousness for about ten years. A complex confluence of major economic and social changes occurred in the early 1980s, triggering what appeared at the time to be an overnight explosion of the homeless population in big cities and small towns. Hundreds of thousands of people, millions by some estimates,<sup>4</sup> were unable to absorb the wrenching changes caused by the shift from a manufacturing to a service/information-based economy, the after-effects of combat for Vietnam veterans, the decline of the traditional nuclear family, the rise of single parent and single person households, the advent of AIDS, the lack of adequate mental health care for poor people, and the attempted withdrawal of the federal government from a half-century of active participation in social service programs.<sup>5</sup>

## II. THE SHELTER RESPONSE

The initial governmental response to the increase in homelessness focused primarily on establishing shelters so that

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2. National Law Center on Homelessness and Poverty, *Beyond McKinney: Policies to End Homelessness*, Statement of Principles (Nov. 1992) [hereinafter *Beyond McKinney: Policies*].

3. Frank M. Jordan, Mayor, San Francisco, *Preface to UNITED STATES CONFERENCE OF MAYORS TASK FORCE ON HUNGER AND HOMELESSNESS, ENDING HOMELESSNESS IN AMERICA'S CITIES* at 5 (July 1993) [hereinafter *MAYORS TASK FORCE*].

4. A Columbia University study released during Hunger and Homelessness Awareness Week in November 1993 estimated that 5.7 million adults were homeless between 1985 and 1990 and that over 13.5 million Americans have been homeless at some time in their lives. If persons who doubled-up with families or friends in housing not their own are taken into account, the figures rise to 8.5 million and 26 million respectively. *Study Says 5.7 Million Were Homeless Between 1985 and 1990*, 21 [Current Developments] Hous. & Dev. Rep. 428 (BNA) (Nov. 22, 1993).

5. Estimates that a significant majority of homeless adults suffer from the debilitating effects of alcoholism, drug addiction, or chronic mental illness have triggered fears of a backlash against the homeless and concerns that programs will not be successful if the basic causes of homelessness are not addressed. Alice S. Baum & Donald W. Burnes, *Denial and Delusions: America's Homelessness Hokum*, WASH. POST, Dec. 5, 1993, at C3. See also Jill Smolowe, *Giving the Cold Shoulder*, TIME, Dec. 6, 1993, at 28.

people could find a safe haven from the elements.<sup>6</sup> The shelter response accomplished two goals: it enabled concerned citizens and government officials to respond to the phenomenon of homelessness and it provided a mechanism to remove people from the streets, both for their own protection and also to assuage the feelings of citizens who felt uncomfortable in the presence of homeless people. The shelter approach also spawned a new bureaucracy of shelter providers and raised fears among homeless advocates that the shelter network would create a permanent cycle of dependency, replacing one set of institutions with another. The shelters became a new address for thousands of people, but the shelters were not able to cope with the economic and social changes that were driving millions of Americans into poverty.

Grim statistics issued by the Census Bureau tell a story of poverty increasing in 1992 for the third consecutive year.<sup>7</sup> A higher percentile of the population, 14.5%, was poor in 1992 compared to 12.5% in 1971.<sup>8</sup> The 1992 statistics also indicate that poverty was concentrated in urban areas to a greater extent than it ever had been, that it had shifted from an emphasis on elderly people in the 1960s to an emphasis on children in the 1990s, and that more people who were working the equivalent of full-time jobs were poor because of the enormous shift in the job market from relatively high paying manufacturing jobs to relatively low paying service sector jobs.<sup>9</sup>

Homelessness has a direct link to poverty but has more complex causes including: the lack of adequate mental health care, substance abuse, a decline in the availability of affordable housing, and the shift from blue-collar manufacturing to service sector jobs. The Census Bureau figures underscore the complexity of the situation with the identification of children and minimum-wage job holders as predominant groups of the poor, and thus major candidates for homelessness in the 1990s.<sup>10</sup>

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6. Advocates for homeless persons note that even while they were engaged in litigation to establish a right to shelter, long-term solutions to homelessness and to related problems were needed. Letter from Maria Foscarinis, Executive Director, National Law Center on Homelessness & Poverty (Dec. 14, 1993) (copy on file with the author).

7. Robert Pear, *Poverty 1993: Bigger, Deeper, Younger, Getting Worse*, N.Y. TIMES, Oct. 10, 1993, at E5.

8. *Id.*

9. *Id.*

10. *See supra* text accompanying notes 7-8.

### III. ENDING RATHER THAN COPING WITH HOMELESSNESS

Experience with the shelter approach has led many people to conclude that a more comprehensive approach is necessary in order to respond effectively to underlying problems of homelessness. Shelter providers are frontline troops. Their services are of enormous value to their communities. However, more is needed to deal with homelessness than just the provision of shelter. The complex causes of homelessness, the dearth of employment and housing opportunities for shelter residents, and the sheer volume of requests for assistance threaten to overwhelm the shelter system.

Recent proposals by Housing and Urban Development (HUD) Secretary Henry Cisneros, the United States Conference of Mayors, and the Beyond McKinney Coalition<sup>11</sup> of public and private advocates for the homeless reflect a developing consensus for the need to move away from a shelter-dependent policy to one that links housing, income and social services.<sup>12</sup> Advocates, providers and government officials have identified a number of elements that should be contained in a policy to end, rather than cope with, large scale homelessness. These elements may be grouped under three headings: organization, resources, and empowerment.

#### A. Organization through Public-Private Alliances

HUD Secretary Henry Cisneros, in announcing a pilot program for Washington, D.C., the D.C. Initiative, called for a new approach that would replace the shelter-oriented system with a "continuum of care" that addressed the diverse needs of a city's homeless and emphasized housing, jobs, and support services.<sup>13</sup> Secretary Cisneros

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11. The Beyond McKinney Coalition takes its name from the Stewart B. McKinney Act of 1987, which established the first federal programs to provide emergency assistance to local governments coping with homelessness. 42 U.S.C. §§ 11301-11489 (Supp. IV 1992).

12. See *Beyond McKinney: Policies*, *supra* note 2 and MAYORS TASK FORCE, *supra* note 3. President Clinton and congressional leaders also have called for more comprehensive approaches. An Executive Order issued May 19, 1993, called for the creation of a Federal Plan to Break the Cycle of Homelessness that is to be completed by February of 1994. The Speaker of the House of Representatives has established a Task Force on Homelessness. MAYORS TASK FORCE, *supra* note 3, at 10.

13. *HUD Prototype*, *supra* note 1, at 292.

described a coalition of neighborhood groups, nonprofit housing developers, service providers, advocacy organizations, homeless individuals, private foundations, local businesses, and the investment banking community as an "unprecedented partnership."<sup>14</sup> Secretary Cisneros urged the creation of a new public-private entity that would finance and coordinate a new homeless assistance system by bringing together the various elements that can play a role in addressing the problem. The new entity would attempt to leverage public funds to acquire additional resources from other sources such as private foundations, financial institutions, and businesses.<sup>15</sup>

The D.C. Initiative,<sup>16</sup> intended to be a national model to assist the homeless, emphasizes reorganization to maximize resources and obtain greater efficiency. It identifies a few modest new programs and allocates \$20 million of a proposed \$200 million special assistance fund to support "innovative homelessness projects."<sup>17</sup> The program goals include 1,000 new permanent housing units and 900 new openings for social service programs for the homeless by the end of 1995.<sup>18</sup> Mobile outreach teams will be organized through contracts with service providers to develop individual plans for substance abuse treatment, job training, and medical care tailored to the diverse elements of the homeless population in Washington. Existing city resources, including federal housing block grants and public housing, will be tapped for the service and housing components of the plan.<sup>19</sup>

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14. *Id.*

15. *Id.* The "continuum of care" concept has been a part of the strategy employed by the Community in Partnership shelter program in St. Louis County, Missouri since 1987.

16. UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THE D.C. INITIATIVE: WORKING TOGETHER TO SOLVE HOMELESSNESS (1993) [hereinafter D.C. INITIATIVE].

17. *Id.* The death of a homeless woman on a bus bench near the HUD headquarters in Washington, D.C. prompted Secretary Cisneros to make an eloquent plea that policymakers and the public not succumb to battle fatigue but move forward and make the D.C. Initiative a successful example to the nation. Henry G. Cisneros, *The Lonely Death on My Doorstep*, WASH. POST, Dec. 5, 1993, at C1.

18. D.C. INITIATIVE, *supra* note 16, at 52-53.

19. HUD Prototype, *supra* note 1, at 292. See also Otto J. Hetzel, *Washington's Labyrinthine Ways*, 17 URB. ST. & LOC. L. NEWSL. (A.B.A. Section of Urban, State and Local Government Law) Fall 1993, at 11-12 (commenting on the HUD announcement).

## B. Resources

The Beyond McKinney Coalition of public and private homeless advocates and service providers has developed a comprehensive proposal that has been endorsed by the Task Force on Hunger and Homelessness of the United States Conference of Mayors.<sup>20</sup> The proposal contains three major resource-based components: housing, income, and social services. The Beyond McKinney Coalition proposals advocate a broad, governmentally-directed approach that seeks to end homelessness rather than cope with it, as has been the policy to date.

### 1. Housing

Access to permanent, affordable housing is a key element in the new end-homelessness strategies.<sup>21</sup> The Beyond McKinney Coalition's housing component has four elements: (1) increasing the supply of affordable housing, (2) increasing the ability to pay for available housing, (3) establishing programs and policies to prevent homelessness, and (4) including representatives of the homeless in the design and implementation of housing programs.<sup>22</sup>

The recommendations for the housing supply increase include providing greater access by homeless assistance organizations to vacant government-owned property. Efforts to overcome a general lack of information, the cost of acquiring properties, and other barriers in government disposition procedures are advocated.<sup>23</sup> Other strategies advocated by the Beyond McKinney Coalition include requiring localities that receive federal funds to enact ordinances preserving affordable housing and increasing the amount of direct federal funding to nonprofit groups, specifically targeting these funds to areas where there is a major shortage of affordable housing.

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20. See *supra* notes 2, 3.

21. The Mayors Task Force believes that "the lack of affordable housing [is] the single greatest cause of homelessness in our cities." MAYORS TASK FORCE, *supra* note 3, at 16.

22. *Beyond McKinney: Policies*, *supra* note 2, at 3-8.

23. See *GAO Discusses Barriers to Use of Federal Foreclosed Properties*, 21 [Current Developments] Hous. & Dev. Rep. 438 (BNA) (Nov. 22, 1993) (reporting that through fiscal 1992 virtually no multifamily properties had been made available to homeless assistance providers by federal agencies, and only 2,560 of 45,000 single family units had been sold or leased to such organizations).

Primary beneficiaries of the housing supply efforts would be people who are homeless or who are at risk of homelessness.<sup>24</sup>

In addition, the Beyond McKinney Coalition encourages local governments to enact ordinances linking development of commercial or luxury housing to development of affordable housing.<sup>25</sup> Communities receiving federal funds should be required to ensure that zoning ordinances do not serve as barriers to affordable housing and that at-risk persons are eligible for affordable housing. In areas where appropriate housing exists but is not affordable, the Beyond McKinney Coalition advocates greater use of housing vouchers or other rent subsidies, along with consideration of rent control and modification of zoning restrictions to permit "shared housing" by nonrelated households in structures appropriate for such use.<sup>26</sup>

A proactive strategy of preventing avoidable evictions and foreclosures is an essential element of the Beyond McKinney Coalition end-homelessness strategy. Emergency rental and mortgage payment assistance funds, coupled with landlord-tenant and mortgagor-mortgagee mediation programs, can be effective strategies for preventing homelessness by helping at-risk persons remain in their homes.<sup>27</sup>

An important aspect of the eviction prevention approach is the provision of counsel for tenants in landlord/tenant or housing courts. A study by the Association of the Bar of the City of New York concluded that lawyers can play a major role in preventing homelessness by representing tenants who are facing eviction.<sup>28</sup> The New York study found that lawyers who provided voluntary legal services to low income tenants in housing court enabled many of the tenants they represented to remain in their apartments. Lawyers helped tenants assert warranty of habitability claims and other defenses to eviction. They also negotiated delays in the eviction process to enable tenants to qualify for public assistance so that they could make

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24. The Beyond McKinney Coalition estimated in 1992 that two million Americans experience homelessness at some point in the course of a year and that between 11 and 15 million Americans were "at risk of" or "vulnerable to" homelessness. *Beyond McKinney: Policies*, *supra* note 2, at 1-2.

25. *Id.* at 5.

26. *Id.* at 3-4.

27. *Id.* at 6-8.

28. ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, PREVENTING HOMELESSNESS THROUGH REPRESENTATION OF TENANTS FACED WITH EVICTION 234-35 (1989).

rental payments. A subsequent study concluded that funding legal services for low income tenants was less expensive than providing emergency shelter for evicted families and individuals.<sup>29</sup>

## 2. Income

While permanent affordable housing is the logical response to homelessness, it is now well established that shelter alone will not solve the problems that lead to homelessness. Secretary Cisneros, the United States Conference of Mayors, and the Beyond McKinney Coalition all recognize this problem with their emphasis on income-producing and support services programs as well as providing permanent housing.

Projections for 1994 indicate that a family of four with an annual income of \$15,170 or less will be poor according to federal standards.<sup>30</sup> A full-time job paying \$7.50 an hour would be necessary to reach this yearly income level. The current minimum wage is \$4.25. Someone who works full-time at minimum wage can expect to earn \$9,500 per year, which is significantly below the poverty line. This income gap dramatizes the critical importance of expanding job opportunities beyond the minimum wage level. Important interim steps have been taken which, if expanded, can help a minimum wage earner close the income gap. For example, Congress substantially expanded the earned income tax credit (EITC) in the 1993 Omnibus Budget Reconciliation Act (OBRA).<sup>31</sup> The 1993 expansion of the EITC adds a potential \$3,370 in earned income tax credit

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29. *Id.* New York City expects to save \$67 million after paying for the legal services program and now funds the cost of legal services for low income tenants in housing court. Community Training and Resource Center and City-Wide Task Force on Housing Court, Inc., *Housing Court, Evictions and Homelessness: The Costs and Benefits of Establishing a Right to Counsel*, at iv (1993). See also Ken Karas, *Recognizing a Right to Counsel for Indigent Tenants in Eviction Proceedings in New York*, 24 COLUM. J.L. & SOC. PROBS. 527 (1991) (arguing that indigent tenants facing eviction have a constitutional right to counsel under the New York Constitution). The New York City program was cited by a task force of the American Bar Association as a model for other localities. American Bar Association Presidential Working Group on the Unmet Legal Needs of Children and Their Families, *America's Children at Risk*, 23 (July 1993).

30. Paul Leonard & Robert Greenstein, *The New Budget Reconciliation Law: Progressive Deficit Reduction and Critical Social Investments* (CENTER ON BUDGET AND POLICY PRIORITIES), 1993, at 5.

31. Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, 107 Stat. 312 (to be codified in scattered sections of U.S.C.).



benefits to the minimum wage earner family's income base. That same family could also be eligible for \$3,150 in food stamps once the food stamp provisions of OBRA take full effect. These little-publicized provisions of OBRA can raise the income level of a minimum wage earner family to just about the poverty line.

A working family must meet three conditions for the combination of minimum wage, EITC, and food stamps to enable it to reach the poverty line. The minimum wage needs to be indexed for inflation from a 1992 base, as advocated by President Clinton in the 1992 campaign.<sup>32</sup> The decision to index Social Security benefits played a major role in moving a large number of elderly people in the 1970s and 1980s out of poverty. A similar strategy could provide a major boost for the working poor. In addition, use of the EITC and food stamps by the working poor must be expanded considerably.<sup>33</sup>

The 1993 amendments to the EITC require the Internal Revenue Service (IRS) to seek out working homeless people and working people with qualifying children who may be eligible for tax refunds.<sup>34</sup> Attorneys have a significant opportunity to play a major role in assisting people who are at risk of homelessness by volunteering to help eligible families file tax returns to qualify for the EITC and to apply for food stamps. For example, volunteer attorneys in northern Virginia who assist homeless and other poor people file for withheld income under the IRS nonfiler program have succeeded in generating approximately \$700 each in back taxes for these claims.<sup>35</sup>

Other aspects of an income-producing strategy include job training, public works job creation, childcare services, and capital accumulation. Capital accumulation can be encouraged in several different ways. The establishment of independent development accounts (IDAs)<sup>36</sup> would allow homeless people and those at risk of homelessness to accumulate money in accounts similar to individual retirement accounts. These individuals could use the funds accu-

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32. Leonard & Greenstein, *supra* note 30, at 5.

33. According to the Center on Budget and Policy Priorities, only one-third of working poor currently receive food stamps. *Id.*

34. Section 13131, 107 Stat. at 433-35 (to be codified at 26 U.S.C. § 32).

35. American Bar Association, Commission on Homelessness and Poverty, Minutes of Summary Meeting, Aug. 7, 1993 (copy on file with the author).

36. See MICHAEL SHERRADEN, ASSETS AND THE POOR 220-33 (1991) (describing the IDAs concept as similar to the popular individual retirement accounts).

mulated to finance post high school education, a first time home purchase, business start up capital, and retirement.

A second promising initiative is the growth of the microenterprise concept. Microenterprises are defined in the 1992 amendments to the Community Development Block Grant program (CDBG) as commercial enterprises that have "five or fewer employees, one of whom is the owner."<sup>37</sup> The microenterprise movement began in Bangladesh and was first brought to rural areas of the United States.<sup>38</sup> The movement holds promise for helping homeless people become entrepreneurs to formulate and accumulate capital for themselves.<sup>39</sup> The 1992 amendments permit local governments to use CDBG funds to provide assistance including credit, technical assistance, and general support to owners and developers of microenterprises.<sup>40</sup>

### 3. Social Services

Support services are an essential component of efforts to respond to homelessness.<sup>41</sup> These services include comprehensive health coverage to ensure that homeless people have access to physical and mental health services and substance abuse treatment, as well as educational services including transportation assistance and access to specialized educational programs for children such as Head Start. Other types of services that are crucial include daycare centers, job counselling, job training, and related activities. Researchers have defined homelessness as "a condition of disengagement from

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37. Housing and Community Development Act of 1992, § 807(c), Pub. L. No. 102-550, 106 Stat. 3672 (amending 42 U.S.C. §§ 5302(a) & 5305 (Supp. IV 1992)).

38. *Microenterprise Loan Program on Indian Reservation Helps 39 Businesses in Three Years*, 21 [Current Developments] Hous. & Dev. Rep. 475 (BNA) (Dec. 6, 1993).

39. For example, 91 loans made over a three-year period in amounts of \$500 to \$2,000 have helped expand or create 39 small businesses and 120 jobs for residents of an Indian reservation in South Dakota. *Id.*

40. *Id.* Under the CDBG program, federal funds are distributed to state and local governments and may be used for over 20 activities designed to help eliminate slums and blight, foster community and economic development, and improve housing opportunities for low and moderate income persons. The basic elements of the program are explained in *Community Development — Block Grants*, Hous. & Dev. Rep., RF-517 (BNA) (Nov. 1, 1993).

41. The United States Conference of Mayors Task Force report contains an important reminder that support services "are an essential part of daily life for everyone." MAYORS TASK FORCE, *supra* note 3, at 89.

ordinary society . . . . [T]he absence of support systems that usually provide help in times of crisis.”<sup>42</sup> HUD Secretary Cisneros argues that homelessness “is not a condition; it is an outcome of mental illness, drug abuse, alcoholism, disability, chronic illness and just plain hard times . . . . [that] cannot be solved by a hot shower, a warm meal and a bed.”<sup>43</sup> Advocates, shelter providers, and government officials agree that isolated focus on shelter, permanent housing, or jobs will not suffice without coordinated programs to provide access to child care, counseling, educational, health care, vocational, and youth services “[m]ost Americans take advantage of . . . to lead healthy and productive lives.”<sup>44</sup>

### C. Empowerment and Civil Rights

Individuals do not lose basic civil rights merely because they are homeless. Restrictions which may prevent homeless people from voting, such as the requirement of a permanent home address in order to register, create further political disenfranchisement and increase the isolation of homeless people. Ordinances prohibiting begging or sleeping on the streets, enacted in response to public impatience with the visibility of homelessness, exacerbate a widening gulf in society and compound the difficulties of breaking the homelessness cycle. Persons arrested for begging or sleeping in public may have a more difficult time in obtaining jobs because they will now have a criminal record. In addition, the use of government resources to enforce laws against begging and sleeping in public represent a diversion of scarce resources from the more serious crime problems of the cities.

The Task Force on Hunger and Homelessness of the United States Conference of Mayors, in opposing the enactment of local laws against begging and sleeping outdoors or in cars, made the valid point that “criminalization should depend on conduct, not the status of being a homeless person.”<sup>45</sup> The Task Force and the Be

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42. Baum & Burnes, *supra* note 5, at C3. “Poor people who have family ties, teen-aged mothers who have support systems, mentally ill individuals who are able to maintain social and family relationships, alcoholics who are still connected to their friends and jobs, even addicts who remain part of their community — these people do not, for the most part, become homeless.” *Id.*

43. Cisneros, *supra* note 17, at C1.

44. MAYORS TASK FORCE, *supra* note 3, at 89.

45. MAYORS TASK FORCE, *supra* note 3, at 12. James Scheibel noted that homeless

yond McKinney Coalition argue strongly against the temptation to regulate the homeless out of town, and in favor of an inclusionary, empowerment approach.<sup>46</sup> For example, policies about design and implementation of programs to provide housing and support services for homeless persons should have representation from homeless groups to ensure that their interests are fully served.<sup>47</sup>

#### IV. PROSPECTS FOR THE FUTURE

Whether Secretary Cisneros' D.C. Initiative will have a significant impact on homelessness remains to be seen. The initiative does represent a recognition of the complexity of homelessness, the myriad problems that need to be addressed, and the necessity for public and private efforts to unite behind a comprehensive approach to end homelessness.

Because the coordination of housing, income and support services is critical to an effective policy to end homelessness, the "Not in My Back Yard" (NIMBY) syndrome must be confronted. The process of reconnecting homeless persons with society requires the homeless to move through a series of transitional steps that may include job development and training, family support services, mental and physical health care, including treatment for alcoholism or substance abuse, daycare, and drop-in activities. The most effective coordination of these services with permanent housing occurs when the services are offered in the vicinity of the housing. This is the basic premise of efforts to find alternatives to institutions for persons with mental disabilities. In many communities, efforts to locate group homes, residential treatment centers, and other support facilities in residential neighborhoods have been thwarted by neighbor-

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people are not the only ones who beg. He commented that he receives requests daily for money from all sorts of organizations and individuals. He also stated that enacting laws will not eliminate the homeless and that the homeless community itself can provide an effective control of abusive panhandling. Interview with James Scheibel, former Mayor of St. Paul, Minnesota, and past chair of the Task Force on Hunger and Homelessness of the United States Conference of Mayors, in St. Louis, Missouri (Nov. 10, 1993).

46. For a review of "anti-homeless" actions by local governments in 16 cities across the country, along with legal challenges and constructive alternatives, see National Law Center on Homelessness & Poverty, *The Right to Remain Nowhere* (Dec. 1993).

47. The conference that produced the Mayors Task Force report included homeless and formerly homeless people in the deliberations. MAYORS TASK FORCE, *supra* note 3, at 7.

hood opposition, often driven by fear.<sup>48</sup>

A major responsibility of government at all levels should be to work to allay fears, overcome suspicions, and encourage acceptance of coordinated housing, income, and support service strategies. Success in this venture requires that programs be well conceived and designed to balance the interests of intended beneficiaries with those of residents affected by the location decisions.<sup>49</sup>

Successful linkage of permanent affordable housing with effectively coordinated social services will only be achieved when negative stereotypes and fears of homeless people are overcome. This must take place in the neighborhoods. It requires patience, a respect for diverse views, sensitivity to the impact of change in neighborhoods, and an ability to instill confidence in the future. The neighborhoods and the homeless must be part of the dialogue that produces the program.

Expanded resources and efficient organization are necessary components of an end-homelessness strategy. But local political leadership that manifests an understanding of neighborhood dynamics and an ability to bring people together is a critical component. Without it, the situation will be worse rather than better at the turn of the century no matter how large the resources or effective the organization may be. With it, homelessness can be brought under control, and possibly ended.

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48. *Cf.* *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 448 (1985) (stating special permit requirements applicable only to group homes for mentally retarded may not be justified on "mere negative attitudes, or fear").

49. The Mayors Task Force report proposes a federal carrot and stick approach, including conditioning the receipt of federal community development, homeless, housing, and law enforcement funds on cities' repeal or nonenforcement of repressive laws against homeless people. MAYORS TASK FORCE, *supra* note 3, at 61-63. The Task Force also advocates making the Comprehensive Housing Affordability Strategy legally enforceable, and establishing education campaigns and funds to reimburse local groups for costs of fighting the NIMBY opposition. As meritorious as these proposals may be, the Mayors Task Force acknowledges that community consensus will have to be achieved through collaborative dialogue, education, and political leadership. *Id.* The 1990 Cranston-Gonzalez National Affordable Housing Act added the requirement that states and local governments, as a condition to the receipt of federal housing and community development funds, adopt comprehensive housing affordability strategies that evaluate housing needs and establish priorities for meeting those needs, including overcoming regulatory barriers to affordable housing such as restrictive zoning laws. The statute contains no requirement that such barriers be removed, only that they be identified. *See* §§ 105(b)(4) & 111, Pub. L. No. 101-625, 104 Stat. 4079 (codified at 42 U.S.C. §§ 12705 & 12711 (Supp. II 1990)).

