

Lawsuit accuses Washington, D.C. of destroying personal belongings of the homeless

Harvey Simpkins
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On March 28, a class action lawsuit was filed in US District Court for the District of Columbia challenging the D.C. government's practice of throwing out the personal belongings of the homeless. The lawsuit asserts that the city is violating the 4th Amendment's protections against unreasonable searches and seizures, as well as ignoring the city's own protocol requiring that possessions confiscated during the clearing of homeless encampments be stored for up to 60 days.

Specifically, the lawsuit states that the city "has followed a consistent practice of destroying unattended belongings whenever the owner is absent for some or all of a clearing," including "tents and other shelters, bicycles, blankets, clothing, identification documents, medications, Social Security cards, medical and court records, family photographs, letters, and other personal belongings."

Such actions put the homeless "in grave danger of suffering irreparable harm through loss of personal property that is necessary for survival or that cannot be replaced," the suit states. As a remedy, the two named plaintiffs, Shanel Proctor and Charla Braxton, are seeking a permanent injunction against the District to prevent further destruction of homeless people's possessions.

Proctor and Braxton allege in the lawsuit that their tents, mattresses, food, clothing, electronics, and identity documents were either lost or destroyed during numerous city-led clearings of their encampment in 2016 and 2017, a fate suffered by other homeless residents living there. The lawsuit also asserts that since November 2016, D.C. has conducted approximately 70 encampment clearings.

In a declaration accompanying the lawsuit, Braxton

stated "I am fearful that the District will take and destroy my unattended belongings again. Losing my property would harm me because I cannot afford to replace my belongings. I would be uncomfortable without my bedding. If the weather is cold, I could freeze."

Under the D.C. government's "Protocol for the Disposition of Property Found on Public Space and Outreach to Displaced Persons," the city is required to store belongings found at encampment sites during clearings for 60 days, including important documents, bicycles and tents, as well as items designated by residents for retention. The protocol applies regardless of whether the owner is present when an encampment is cleared. Rather than following the protocol, Carter Hewgley, an official with D.C.'s Department of Human Services, admitted in a March 7 interview with the BBC, "If things are left unattended, the city treats those as if it's disposed property."

As of 2017, the city's homeless population stood at 7,473. A December 2016 report from the US Conference of Mayors found that D.C. had the highest rate of homelessness among the 32 largest US cities. The report revealed that 124 out of every 10,000 D.C. residents experienced homelessness that year, more than twice the national average. The District saw the fourth highest increase in homelessness during the period 2009-2016, with a 34.1 percent gain. Only New York City, Wichita, Kansas, and Honolulu saw larger homelessness increases over this seven-year period.

The lack of affordable housing is the primary driver of homelessness. Last June, the *Economist* reported that between 2002 and 2013 the number of low-cost apartments (those costing less than \$800 a month) fell

by 42 percent. In December 2016, the D.C. Fiscal Policy Institute issued a report which found that the poorest D.C. residents must spend more than half their income on housing. As of 2016, median rents were over \$1,300 in the city, but only a third of the 26,000 “extremely low-income” households identified in the report can afford rent above \$200 a month.

Twenty percent of the city’s children live in households where at least 50 percent of income is spent on housing. A single incident, such as illness or losing a job, leaves such households extremely vulnerable to becoming homeless. The Institute also noted the “virtual disappearance of low-cost housing in DC.”

In the wake of the US Conference of Mayors report, Michael Ferrell, executive director of the Coalition for the Homeless, noted that in D.C. “the one single thing that really has changed is the lack of affordable housing. The housing that’s being created today in the District is not for working class people,” he said.

The lack of affordable housing has led to the phenomenon in the US of the “tent city,” permanent and semi-permanent encampments set up by the homeless in cities all across the country. Such tent cities are reminiscent of the “Hoovervilles” built by the homeless during the Great Depression. Approximately two-thirds of these modern-day Hoovervilles have been in existence for more than a year, and more than a quarter have been in place for more than five years. According to the National Law Center on Homelessness & Poverty, such encampments have grown by a staggering 1,300 percent in the US since the 2008 economic crisis.

As with the lack of funding for education, skyrocketing healthcare costs, and crumbling infrastructure, the growth of encampments for the homeless and lack of affordable housing is another glaring indication of the extreme social inequality produced by capitalism.



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