

HOUSING FIRST OR HOUSING LAST? A COMPARISON OF FINLAND'S HOUSING FIRST SUCCESS TO THE UNITED STATES' REPEATED ATTEMPTS AT HOUSING FIRST

*Josephine Messina**

Across the United States, approximately half a million people are homeless. In part because of political disagreement on the causes of homelessness, policymakers in the United States have been unable to agree on and successfully implement a solution. This Comment compares and contrasts Finland's Housing First solution to homelessness with the application of a similar approach in the United States. I argue that the United States can learn from and adopt legal solutions to homelessness which have been successfully implemented in Finland to combat homelessness in the long-term, rather than applying the piece-meal approach currently in practice.

* J.D. Candidate, Law and Public Policy Scholar, and Beasley Scholar, Temple University Beasley School of Law, 2024; B.S., Statistics, James Madison University Honors College, 2021. I would like to thank my advisor, Professor Jane B. Baron, for her expert guidance and support throughout the writing of this Comment, and the editing staff of Volume 38 for their invaluable work and dedication. Finally, I would like to thank my family, friends, and partner, Callie Wixon, for their continued love and support.

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I. INTRODUCTION

Across the United States, approximately half a million people are homeless.¹ Despite widespread international agreement that States must address homelessness,² over the past half a century, there has been consistent debate in the United States about *identifying* the problem (whether that be homelessness itself, the effects of homelessness, the personal/individual causes of homelessness, and/or the societal causes of homelessness).³ Further, in part because of this political disagreement on

1. See HUD Releases 2022 Annual Homeless Assessment Report, U.S. DEP'T OF HOUS. & URB. DEV. (Dec. 19, 2022), https://www.hud.gov/press/press_releases_media_advisories/hud_no_22_253 (reporting 582,462 people experienced homelessness on single night in January 2022).

2. See *Homelessness and Human Rights*, U.N. HUM. RTS. OFFICE OF THE HIGH COMM'R (2016) <https://www.ohchr.org/en/special-procedures/sr-housing/homelessness-and-human-rights> (summarizing U.N. Committee on Economic, Social, and Cultural Rights' expectation for State participants to provide adequate housing to their homeless populations).

3. See Barrett A. Lee et al., *Public Beliefs About the Causes of Homelessness*, 69 SOC. FORCES 253, 253 (1990) (explaining results of national surveys on public perceptions on poverty causation).

the causes of homelessness, policymakers in the United States have been unable to agree on and successfully implement a solution.⁴ For many years, the legal solution to homelessness across the United States focused on decreasing the visibility of homeless populations through hostile architecture or criminalization of sleeping or lying in public.⁵ The social and cultural stigmas around homelessness in the United States have put unhoused Americans at even more risk and prevented widespread funding and implementation of housing policies.⁶

Alternatively, beginning in 2008,⁷ Finland approached homelessness with the most obvious solution—providing housing immediately to unhoused individuals and families without any prerequisites.⁸ While this strategy, called “Housing First,” drew intense criticism in the United States as unrealistic and naïve,⁹ the Finnish government’s commitment to Housing First principles and consistent funding of the Housing First program resulted in widespread success.¹⁰ The U.S. federal government also began publicly supporting Housing First under the George W. Bush administration starting in 2005;¹¹ however, the United States did not see a decrease in homelessness similar to Finland.¹²

This Comment begins in Part II with a historical perspective of homelessness in Finland and in the United States to explain the development of housing policy within both countries. It then examines the development of Housing First policies within Finland and the United States and the main principles of each model. Part III analyzes why Finland’s government and Finnish public perception of unhoused populations allow for the country’s commitment to providing widespread, affordable

4. See Rosanne Haggerty, *Room for Debate: For Even the Neediest, Housing Is the Solution to Homelessness*, CMTY. SOLS. (Feb. 20, 2015), <https://community.solutions/press/room-for-debate-for-even-the-neediest-housing-is-the-solution-to-homelessness> (discussing challenges in U.S. housing assistance programs).

5. Kala Bhattar, *The Realities of Being Homeless in America*, UAB INST. FOR HUM. RTS. BLOG (Oct. 13, 2021), <https://sites.uab.edu/humanrights/2021/10/13/the-realities-of-being-homeless-in-america>.

6. See Robert Polner, *The 12 Biggest Myths About Homelessness in America*, N.Y.U. (Sept. 24, 2019), <https://www.nyu.edu/about/news-publications/news/2019/september/HomelessQandA.html> (discussing common myths about homeless people that deter public support for them).

7. See Eveliina Heinäluoma, *Fighting Homelessness Through the Finnish Housing First Model*, THE PROGRESSIVE POST (May 10, 2022), <https://progressivepost.eu/fighting-homelessness-through-the-finnish-housing-first-model> (stating first Finnish Housing First model developed in 2008).

8. See Bhattar, *supra* note 5 (suggesting that Finland’s implementation of Housing First provides a model for United States to solve homelessness issue).

9. See, e.g., Judge Glock, *Housing First Is a Failure*, CICERO INST. (Jan. 13, 2022) <https://ciceroinstitute.org/research/housing-first-is-a-failure> (asserting nearly 25% rise in homelessness since implementation of Housing First strategy as evidence of its failure).

10. Bhattar, *supra* note 5.

11. *Housing First: A Review of the Evidence*, OFFICE OF POL’Y DEV. AND RSCH., <https://www.huduser.gov/portal/periodicals/em/spring-summer-23/highlight2.html> (last visited Dec. 1, 2023).

12. See Don Mitchell, *Homelessness, American Style*, 32 URB. GEOGRAPHY 933, 934 (2011) (canvassing recent history and government efforts to combat homelessness in the United States).

housing for homeless individuals through a modified version of the Pathways Housing First model. To understand why Housing First as a federal policy was less successful in the United States, Part IV details several Housing First pilot programs implemented in the United States and analyzes why they were or were not successful. Finally, Part V explains what aspects of Finland's approach to homelessness the United States could learn from, argues that the United States should adopt legal solutions to homelessness that have been successfully implemented in Finland, and explains why the Finnish Housing First model is not completely transferrable to the United States.

II. HISTORY OF HOMELESSNESS

A. Finland

Finland's government has received international recognition for its targeted approach to solving homelessness within the country,¹³ however, these developments are relatively recent.¹⁴ In the 1980s, approximately 20,000 individuals in Finland were homeless.¹⁵ Traditionally, the system in Finland for assisting homeless individuals operated with a conventional "staircase approach."¹⁶ In this system, accommodations are provided through a series of stages where those using the service must demonstrate their ability to move from one level of accommodation to the next.¹⁷ The goal of this process—which is almost universal in the Nordic countries¹⁸—is independent living.¹⁹ Staircase systems have historically been viewed as necessary because a high proportion of long-term homeless people struggle with addiction.²⁰

Under this staircase system, social programs for the homeless within Finland were similar to those in place in the United States because they required individuals to prove their eligibility.²¹ Homeless individuals in Finland needed to conform their behavior to the requirements of social programs to qualify for the next level housing.²² A homeless person would often be required to abstain from drugs or

13. See Ella Hancock, *Helsinki Is Still Leading the Way in Ending Homelessness – But How Are They Doing It?*, WORLD HABITAT, <https://world-habitat.org/news/our-blog/helsinki-is-still-leading-the-way-in-ending-homelessness-but-how-are-they-doing-it> (Sept. 25, 2023) (highlighting Housing First and Y-Foundation successes).

14. See *id.* (noting 2016 Y-Säätiö purchase of more than 8,600 subsidized apartments).

15. *Id.*

16. Hannele Tainio & Peter Fredriksson, *The Finnish Homelessness Strategy: From a 'Staircase' Model to a 'Housing First' Approach to Tackling Long-Term Homelessness*, 3 EUR. J. OF HOMELESSNESS 181, 185 (2009).

17. *Id.*

18. *Id.*

19. *Id.*

20. See *id.* (noting requirement of step to first resolve issues with addiction before providing housing options).

21. See Y-FOUNDATION, A HOME OF YOUR OWN: HOUSING FIRST AND ENDING HOMELESSNESS IN FINLAND 16 (Otava Book Printing Ltd. 2017) (stating Finnish staircase system required lifestyle change to become eligible for housing).

22. *Id.*

alcohol use.²³ In this way, the dwelling provided was more of a “reward” after a person had “gotten their life back on track,” especially for those struggling with addiction.²⁴

In 1967, Finland signed the International Covenant on Economic, Social and Cultural Rights (ICESCR)²⁵—an international human rights treaty which recognized that adequate housing is a human right and a government obligation under international law.²⁶ Compared with other European nations, Finland did not have a large-scale homelessness problem.²⁷ Despite this, Finland’s government viewed the number of homeless individuals within their State as a serious issue and prioritized reducing homelessness.²⁸ In the late 1980s and early 1990s, the elimination of homelessness within Finland was a government policy objective for the first time.²⁹ The Finnish health, housing, and social welfare authorities and services began to better coordinate to aid unhoused populations. Public sector financial assistance was directed to establish a stock of supported accommodations and small flats.³⁰ In 1995, Finland’s Constitution was amended to require public authorities to promote the right to housing and guarantee the opportunity for everyone to arrange their own housing.³¹

Finland’s approach to the issue of homelessness in the last two decades has been very different than that of the United States, in part because of this recognized right to housing. While the United States also signed ICESCR in 1977,³² the United States never ratified the treaty or enacted domestic legislation to recognize a right to housing nationally.³³ Recognizing adequate housing as a human right both internationally and domestically also allowed Finland to move away from the traditional staircase system in the twenty-first century, as all citizens were guaranteed the right to adequate housing under the Finnish Constitution without prerequisites.³⁴

23. *Id.* at 10.

24. *See id.* at 16 (describing rationale of staircase model, whereby homeless individual moves from one social rehabilitation step to another with apartment waiting at end of process).

25. *See Status of Treaties: International Covenant on Economic, Social and Cultural Rights*, U.N. TREATY COLLECTION, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=_en (last visited Feb. 18, 2023) (listing date that Finland signed and ratified the ICESCR).

26. International Covenant on Economic, Social, and Cultural Rights art 11.1, Dec. 16, 1966, 993 U.N.T.S. 3.

27. *See* Y-FOUNDATION, *supra* note 21, at 10 (stating Finland as only European country with declining instances of homelessness).

28. *Id.*

29. Tainio & Fredriksson, *supra* note 16, at 184.

30. *Id.*

31. *Id.* at 185.

32. *See Status of Treaties: International Covenant on Economic, Social and Cultural Rights*, *supra* note 24 (listing treaty participants, date of participant signature, and ratification date).

33. *Id.*

34. *See* Tainio & Fredriksson, *supra* note 16, at 185 (describing necessary shift away from prerequisites such as sobriety).

B. The United States

Population estimates of homelessness in the United States are much larger than those in Finland,³⁵ in part because of the United States' larger population size.³⁶ In 2021, the United States' population was approximately fifty-nine times that of Finland.³⁷ Homelessness in the United States dates back to the colonial era, however, "modern homelessness" began in the 1970s.³⁸ From the late 1970s to the early 1980s, the homeless population within the United States significantly increased after many state-funded psychiatric hospitals closed their doors.³⁹ Following numerous abuse scandals, many psychiatric hospitals across the United States permanently closed and discharged thousands of mentally ill patients who had nowhere else to go.⁴⁰ In addition, cities began offering tax incentives for the owners of single-room-occupancy units to convert their properties into condos, co-ops, and rentals.⁴¹ Many of the existing single-room-occupancy units in large cities housed former inmates, elderly individuals, and those suffering from mental illness or addiction; this conversion only managed to further exacerbate homelessness in urban areas by displacing vulnerable populations.⁴²

1. Ideological Shifts in Homelessness

This massive explosion of homelessness was marked by a large, visible street population in most American cities that included people of nearly all ages,⁴³ and was disproportionately Black.⁴⁴ As a response to this wave of "new homelessness," a superficial movement of public support sought to expand shelter systems and blur the distinction between deserving and undeserving poor.⁴⁵ Unfortunately, this public support for homeless people in the United States was merely abstract.⁴⁶ Despite

35. See Y-FOUNDATION, *supra* note 21, at 11 (showing population of homeless in Finland over thirty years); see also Polner, *supra* note 6.

36. See Polner, *supra* note 6 (noting U.S. homeless population is larger than that of some U.S. cities).

37. See Finland, WORLD BANK DATA (2021), <https://data.worldbank.org/country/finland> (noting Finland's population as 5,556,880 in 2022 and the United States' population as 333,287,557 in 2022).

38. See Michael Kimmelman, *How Houston Moved 25,000 People From the Streets into Homes of Their Own*, N.Y. TIMES (June 15, 2023), <https://www.nytimes.com/2022/06/14/headway/houston-homeless-people.html> (stating modern homelessness began roughly fifty years ago).

39. *Id.*; see also Richard D. Lyons, *How the Release of Mental Patients Began*, N.Y. TIMES (Oct. 30, 1984), <https://www.nytimes.com/1984/10/30/science/how-release-of-mental-patients-began.html> (discussing failure of policy releasing people from mental health facilities).

40. Kimmelman, *supra* note 38.

41. *Id.*

42. *Id.*

43. See Mitchell, *supra* note 12, at 940 (describing visibility and extent of new homelessness).

44. See *infra* Section II.B.2 for a discussion of the racially disparate impacts of homelessness in the United States.

45. See Mitchell, *supra* note 12, at 941 (discussing initiatives to expand shelter system and blur division between deserving and undeserving poor).

46. See *id.* at 942 (explaining neighborhoods organized to keep shelters out despite professed support for homeless individuals).

support for expanding the shelter system in the 1980s, neighborhoods quickly developed a “Not in My Backyard” mentality and organized to keep shelters or other services away from their homes.⁴⁷

Even before the end of the decade, the population appeared to suffer from “compassion fatigue” as the repeated efforts to expand the shelter system did little to address the homelessness problem in urban areas.⁴⁸ There was a distinct ideological shift in the way Americans viewed homelessness.⁴⁹ As street homelessness only seemed to become more common, conservative critics began to advocate for enforcement of public order within cities.⁵⁰ Homelessness was redefined in works such as the influential *A Nation in Denial* (1993), which argued that homeless people were “unlike” other poor individuals, as homelessness was exclusively a problem affecting the mentally ill and addicted.⁵¹ Some believe that the authors of *A Nation in Denial*, Alice S. Baum and Donald W. Burnes, unintentionally provided the ideological justification for criminalizing homelessness by rephrasing the state of being homeless as a *choice*—one that was harmful to society.⁵² A typical example of a harmful characterization by Baum and Burnes is differentiating between the poor and the homeless:

By perpetuating the myth that the homeless are merely poor people in need of housing, . . . advocates reinforce and promote the most pernicious stereotypes about poverty in America. The vast majority of poor people in America are not homeless. Poor people do not live on the streets, under bridges, or in parks; do not carry all their belongings in shopping carts or plastic bags; do not wear layers of tattered clothing and pass out or sleep in doorways; do not urinate or defecate in public places; do not sleep in their cars or encampments; do not harass or intimidate others; do not ask for money on streets; do not physically attack city workers and residents and do not wander in the streets shouting at visions and voices . . .⁵³

This characterized the homeless as undeserving of assistance because of their perceived moral failings—specifically, a refusal to accept responsibility for their condition.⁵⁴

Even following the long—though uneven—economic boom of the 1990s, large numbers of homeless people could still be found in cities across the United States—filling shelters, spending time in public parks, sleeping in doorways, and altogether

47. *Id.*

48. *See id.* at 943 (discussing causes of compassion fatigue).

49. *See id.* (describing campaign to shift responsibility of homelessness on their personal characteristics).

50. *Id.*

51. *See* ALICE S. BAUM & DONALD W. BURNES, *A NATION IN DENIAL: THE TRUTH ABOUT HOMELESSNESS* xi (1993) (noting difference between hurricane survivors without homes and those who have been homeless since early 1980s).

52. Mitchell, *supra* note 12, at 944.

53. *See* GEORGE L. KELLING & CATHERINE M. COLES, *FIXING BROKEN WINDOWS: RESTORING ORDER AND REDUCING CRIME IN OUR COMMUNITIES* 202-03 (1996) (quoting BAUM & BURNES, *supra* note 51).

54. *See* BAUM & BURNES, *supra* note 51 (discussing fears among advocates that public would blame homeless for their condition due to substance abuse or mental illness).

threatening the economic success of newly gentrified urban areas.⁵⁵ As a response, many cities experimented with anti-*homeless* (rather than anti-homelessness) environmental and legal interventions to remove homeless people from redeveloping downtowns.⁵⁶ Instead of addressing the structural causes of homelessness, or attempting to provide more shelter, cities focused on saving the neighborhood by forcing out homeless populations.⁵⁷ San Diego, for example, was among the first American cities to use anti-homeless environmental designs during park redevelopment to discourage the presence of homeless individuals and the elderly poor in public spaces.⁵⁸

The legal and environmental interventions used to remove homeless people from urban areas may have reduced the visibility of street homelessness in certain areas; however, these methods have achieved little to no success at reducing rates of homelessness in past decades.⁵⁹ Further, calls for public order have relied on the assumption that homeless individuals are not deserving of assistance because they refuse to take responsibility for their addiction and mental or physical illness,⁶⁰ while simultaneously ensuring that, in practice, homeless individuals could not access any resources necessary to better manage their condition.⁶¹

2. The Disparate Racial Impact of Homelessness in the United States

In the United States, due in no small part to long-standing historical and structural racism, African American and Indigenous individuals experience homelessness at higher rates than their white counterparts.⁶² African Americans account for 37% of Americans currently homeless, despite only representing 13% of the total U.S. population.⁶³ The effects of segregation and rental housing discrimination are still felt across the United States today;⁶⁴ African Americans still live disproportionately in areas of concentrated poverty.⁶⁵ Decades ago, the federal

55. Mitchell, *supra* note 12, at 946–47.

56. *Id.* at 946.

57. *See id.* (discussing San Diego's development strategy excluding homeless people from a privately owned shopping center subsidized with public funds).

58. *See id.* (describing how San Diego paid mall developer to redevelop park by removing benches, replacing lawns with prickly plants, and removing public toilets with goal of driving out homeless).

59. *See* Jeff Olivet, *Collaborate, Don't Criminalize: How Communities Can Effectively and Humanely Address Homelessness*, U.S. INTERAGENCY COUNS. ON HOMELESSNESS (Oct. 26, 2022), www.usich.gov/news/collaborate-dont-criminalize-how-communities-can-effectively-and-humanely-address-homelessness.

60. *See* BAUM & BURNES, *supra* note 51, at 3 (discussing public perception that blamed homeless for their condition due to substance abuse or mental illness).

61. *See* Olivet, *supra* note 59 (explaining criminalization of homelessness only exacerbates housing instability and unemployment).

62. *Homelessness and Racial Disparities*, NAT'L ALL. TO END HOMELESSNESS, <https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/inequality> (last updated Apr. 2023).

63. *Id.*

64. *Id.*

65. *Id.*

government supported redlining, an exclusionary tactic in real estate that targeted Black Americans.⁶⁶ Redlining included practices such as racial steering, a practice in which real estate agents directed Black buyers and renters away from certain neighborhoods, and racial covenants, which attempted to bar Black residents from buying houses in developments and suburbs.⁶⁷

The history of homelessness within the United States, unlike the history of homelessness within Finland, was heavily affected by systemic racism and public debate on the moral worthiness of those in need.⁶⁸ Because homelessness in the United States was historically framed as a personal issue resulting from poor life decisions, the United States government (and public) spent decades ignoring the deeply rooted economic, social, and political causes of American homelessness and the deficient means or motivation to properly address homelessness in practice.⁶⁹

III. WHAT IS HOUSING FIRST?

“Housing First” is a relatively new ideology and policy for addressing homelessness that arose within the United States during the George W. Bush administration, which strongly supported it.⁷⁰ Housing First begins with the assumption that mentally ill, physically ill, or addicted homeless individuals would have a better chance of managing their condition in a stable and safe home.⁷¹ Directly contradicting past divisions between the “deserving” and “undeserving poor,” Housing First instead argues that unhoused individuals should not have to prove themselves in order to be considered housing-ready.⁷² Instead, the philosophy behind Housing First is that individuals can conform their behavior and can become deserving of assistance if they are first provided with a home and some degree of control or sovereignty within their living space.⁷³

A. Development of the Housing First Ideology

Clinical-community psychologist Dr. Sam Tsemberis founded the Pathways Housing First Institute in 1992.⁷⁴ He developed the first Housing First approach after witnessing firsthand how existing housing programs often excluded mentally ill and

66. See *id.* (defining redlining as federal housing discrimination policies diverting economic investment from Black and Brown neighborhoods).

67. Candace Jackson, *What Is Redlining*, N.Y. TIMES (Aug. 17, 2021), <https://www.nytimes.com/2021/08/17/realestate/what-is-redlining.html>.

68. See generally Matthew Anderson & Stephen Tsikalas, *Homelessness and the American Dream: An Inconvenient Truth*, RSCH. OUTREACH (May 17, 2021), <https://researchoutreach.org/articles/homelessness-american-dream-inconvenient-truth>.

69. See *id.* (explaining persistent narrative that homelessness results from poor life choices plagued efforts to reduce homelessness).

70. Mitchell, *supra* note 12, at 948–49.

71. *Id.* at 948.

72. See PATHWAYS HOUS. FIRST INST., <https://www.pathwayshousingfirst.org> (last visited Dec. 1, 2023) (describing development of Housing First model).

73. See Mitchell, *supra* note 12, at 948–49 (discussing Housing First view that beneficiaries can become worthy and deserving by first having a home).

74. PATHWAYS HOUS. FIRST INST., *supra* note 72.

drug-using individuals.⁷⁵ Dr. Tsemberis' program provided immediate access to permanent housing and person-centered support to individuals struggling with mental health issues or addiction and experiencing homelessness.⁷⁶ Today, the Pathways Housing First (PHF) program has been replicated across the United States, Canada, the European Union, Australia, and New Zealand.⁷⁷ Five principles underlie all programs using the Pathways Housing First Model: (1) consumer choice in housing to emphasize self-determination, (2) separation of housing and treatment or sobriety prerequisites, (3) coordination of services to match needs, (4) ongoing affirmation and support for those in recovery, and (5) community integration.⁷⁸

Consumer choice within Housing First Models requires the individual to be actively involved in the process for selecting their housing.⁷⁹ For housing-related choices, this principle empowers individuals to express their needs and encourages personal responsibility for one's home.⁸⁰ However, consumer choice can be practically difficult to achieve.⁸¹ Long wait periods can substantially limit unhoused individuals' choices, especially in a constrained housing market.⁸² Further, independent living environments are more popular than congregate living environments, especially among male populations, but community locations may better deliver necessary community support services.⁸³ Thus, consumer choice—which may favor independent housing—can conflict with a community service design.⁸⁴

Within the United States, there are several key barriers to implementing other core PHF principles, such as separation of housing and recovery, coordination of services, ongoing support for those in recovery, and community integration.⁸⁵ First, several factors outside of the control of facility leadership or frontline staff can limit or prevent rapid placement of unhoused individuals.⁸⁶ Coordinating local services to match the needs of unhoused individuals within an area relies on the existing local public housing authorities that operate with varying speed and flexibility.⁸⁷

75. *See Award for Distinguished Professional Contributions to Independent Practice: Sam J. Tsemberis*, 71 AM. PSYCH. 802, 803 (2016) (discussing how Housing First differed from conventional approaches that mandated sobriety before providing housing).

76. *Id.*

77. *Id.* at 804.

78. PATHWAYS HOUS. FIRST INST., *supra* note 72.

79. *See* Abe Oudshoorn et al., *Understanding the Principle of Consumer Choice in Delivering Housing First*, HOUS. STUDS. 841, 842 (2021).

80. *See id.* (noting studies that found encouraging consumer choice in Housing First programs promoted housing retention and improved mental health).

81. *See id.* at 843 (stating barriers to implementation of consumer choice).

82. *Id.*

83. *Id.* at 843-44.

84. *Id.* at 844.

85. *See* Erika Lane Austin et al., *VA's Expansion of Supportive Housing: Successes and Challenges on the Path Toward Housing First*, 65 PSYCHIATRIC SERVS. 641, 641-46 (2014) (discussing challenges specific to U.S. veterans and Department of Veterans Affairs' support housing program).

86. *Id.* at 643.

87. *See id.* (discussing process of facilities' coordination with local public housing

Traditional community shelters may operate within a recovery framework that requires sobriety and participation in self-help programs before providing housing.⁸⁸ Further, a separation of the housing and sobriety requirements grants individuals the autonomy to choose *not* to pursue sobriety once they are provided with housing.⁸⁹ In this way, the separation of housing and sobriety requirements can undermine existing sobriety recovery frameworks.⁹⁰

Housing First gained support throughout the United States due to initial research results indicating that Housing First could deliver better results than staircase services for a lower cost.⁹¹ The existing staircase programs within the United States were associated with a high level of spending, especially due to the high cost of frequent hospitalization and incarceration of homeless individuals.⁹² Housing First, on the other hand, attempted to address these long-term costs, and comparative research indicated that Housing First services were less expensive than their traditional shelter counterparts.⁹³ Positive research results encouraged other nations who were frustrated with existing housing programs, and Housing First began to spread outside of the United States.⁹⁴ From 2009 to 2016, Housing First pilot programs began appearing across Europe; by 2016, Housing First programs had been established to combat homelessness in thirteen European countries.⁹⁵

B. Implementation of Housing First by Finland

In 2007, a report on homelessness policies in Finland called *Nimi Ovessa* (“Name on the Door”) found that efforts should focus on providing permanent housing for the homeless instead of temporary services.⁹⁶ The modern Housing First model in Finland was based on this idea that providing permanent housing would contribute to solving social and health problems in Finland.⁹⁷ From the first implementation of the Housing First model in 2008 until 2015, homelessness in Finland dropped by 35%.⁹⁸

During the 2008 recession, many public services within Finland suffered from budget cuts, but national programs targeted at reducing homelessness were able to

authorities).

88. *Id.* at 644.

89. *See id.* at 644–45 (quoting veterans housing administrator on selecting places that do not kick people out because of substance abuse).

90. *See id.* at 644 (discussing conflict between no preconditions for housing standard and enforced recovery framework that requires sobriety).

91. NICHOLAS PLEACE, HOUSING FIRST GUIDE: EUROPE 14-16 (2016).

92. *Id.*

93. *See id.* at 16 (explaining Pathways to Housing program costs approximately \$57 per night per person, compared to \$77 for shelter housing).

94. *See id.* at 17 (noting Europe had been encouraged by North American research results, most recently from Canada).

95. *See id.* at 18 (listing Austria, Belgium, Denmark, Finland, France, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, and United Kingdom as European countries with established Housing First programs in 2016).

96. Heinäluoma, *supra* note 7.

97. *Id.*

98. *Id.*

continue their efforts, maintaining a commitment to the Housing First model.⁹⁹ The Housing First model in Finland required a complete reversal in how homelessness was defined and how services were provided.¹⁰⁰ Four principles guided these national programs: (1) enabling independent living; (2) respecting autonomy and individual choice; (3) empowering and rehabilitating individuals on their own terms; and (4) integrating residents into their communities and society.¹⁰¹ These principles are very similar to those found in the PHF model developed in the United States,¹⁰² with two key differences. Finland did not specify a need to better coordinate services to serve those in need, and instead of consumer choice, the Finnish model encourages *individual* choice, an autonomy-oriented conception of housing.¹⁰³

Autonomy-oriented conceptions of housing, like the “consumer choice” principle in the United States’ PHF Model, rely on the philosophy that autonomy has intrinsic value.¹⁰⁴ While traditional programs to reduce homelessness may focus on the result, specifically the well-being and safety of the individual involved, autonomy-oriented programs recognize that an exclusive focus on the well-being of an individual can directly conflict with individual autonomy.¹⁰⁵ The intuitive value of autonomy can be illustrated through the following hypothetical: suppose an individual, A, relinquishes their life and all major decisions to another, B, who is in a better position to fulfill all of A’s goals.¹⁰⁶ Even if A achieves their personal definition of success due to B, one can still argue that A’s life lacks something important—namely, autonomy.¹⁰⁷

While the Finnish Housing First model was developed around the same time as the PHF movement in the United States, the Finnish model is different from the U.S. model.¹⁰⁸ One key difference is that Finnish residents themselves pay the rent.¹⁰⁹ This is possible because all Finnish citizens who cannot afford to pay for their housing can apply for housing allowance and/or other forms of government-provided support.¹¹⁰ Alternatively, in the United States, the landlord or organization that has arranged housing often bears responsibility for the rent, with a portion of

99. Y-FOUNDATION, *supra* note 21, at 10.

100. *Id.*

101. *Id.* at 15.

102. *See id.* at 14 (discussing differences between Finnish model and American PHF model).

103. *See* Y- FOUNDATION, *supra* note 21; *see also* Heinälouma, *supra* note 7 (discussing how residents receive support that is individualized to their needs and grants them autonomy in decisions).

104. *See generally* Casey J. Dawkins, *Autonomy and Housing Policy*, 34 HOUS., THEORY & SOC’Y 420, 428 (2017) (arguing need satisfaction increases capacity for autonomy, which increases likelihood one will be more successful in one’s pursuits).

105. *See id.* at 429–30 (discussing theoretical conceptions of autonomy and their relation to housing).

106. *Id.* at 428 (quoting STEVEN WALL, LIBERALISM, PERFECTIONISM, AND RESTRAINT 149 (1998)).

107. *Id.*

108. *See* Y- FOUNDATION, *supra* note 21, at 15.

109. *Id.*

110. *Id.*

the resident's income automatically deducted toward rent.¹¹¹ The U.S. PHF program and the Finnish Pathways Model also differ in how support is arranged for residents.¹¹² Finland has high standards for health and social services, so support may be offered to residents based on their needs through services that already exist within the country.¹¹³

The success of Finland's Housing First model relies on several existing government programs.¹¹⁴ First, Finland has a social benefits system, including grants of social assistance or housing allowance, to act as a safety net for individuals who become seriously ill or unemployed.¹¹⁵ Second, Finland has free or affordable health care for all citizens.¹¹⁶ Third, effective counseling services, affordable housing, and a network of support teams also play a key role in complementing the fight against homelessness.¹¹⁷ The widespread coordination of government programs—as well as a cultural willingness to aid homeless populations by providing proper resources—is central to the program's success.¹¹⁸

The success of Finland's program may also be credited to its broad definition of homelessness.¹¹⁹ As part of Finland's efforts to update their housing policy, Finland redefined "homelessness" to include concealed housing instability.¹²⁰ Considering more than "street" homelessness, Finland's definition includes individuals who have little to no privacy or control over their space, such as doubled-up housing and individuals who are couch-surfing.¹²¹

The Housing First Model, as implemented in Finland, has accomplished its overall goal of reducing Finnish homelessness.¹²² Finland reported approximately 4,341 homeless people within the entire country in 2021, down from approximately

111. *Id.*; see also HUD's Public Housing Program, U.S. DEP'T OF HOUS. & URB. DEV. (last visited Dec. 4, 2023), https://www.hud.gov/topics/rental_assistance/phprog (explaining how rent is determined in HUD's Public Housing Program).

112. Y-FOUNDATION, *supra* note 21, at 15.

113. *Id.*

114. See *id.* at 13 (explaining housing is only one aspect of recovery and other forms of support may better serve other people).

115. *Id.*

116. *Id.*

117. Heinäluoma, *supra* note 7.

118. See *id.* (stating reducing prejudice towards homeless individuals and using government programs to resolve their issues leads to program's success).

119. See Y-FOUNDATION, *supra* note 21, at 13-14 (stating board definition allows many actors to participate in resolving homelessness crisis).

120. *Id.*; see also Nicholas Pleace et al., *The Strategic Response to Homelessness in Finland: Exploring Innovation and Coordination Within a National Plan to Reduce and Prevent Homelessness*, in *EXPLORING EFFECTIVE SYS. RESPONSES TO HOMELESSNESS* 426, 428 (Naomi Nichols & Carey Doberstein eds., 2016) (defining concealed households as families, couples, or individuals in precarious housing situations).

121. ASUMISEN RAHOITUS-JA KEHITTÄMISKESKUS [ARA] [THE HOUSING FINANCE AND DEVELOPMENT CENTRE OF FINLAND], REPORT: HOMELESS PEOPLE 2021 at 6, 19 (2022).

122. Dawn Foster, *Homelessness and Housing Problems Reach Crisis Point in All EU Countries – Except Finland*, THE GUARDIAN (Mar. 21, 2017, 10:30 AM), <https://www.theguardian.com/housing-network/2017/mar/21/homelessness-housing-problems-crisis-point-all-eu-countries-except-finland>.

10,000 in 2001.¹²³ Moreover, between 2009 and 2016, the number of homeless people increased—often dramatically—in every country in the European Union *except* Finland.¹²⁴ However, because of the unique elements of the Finnish Housing First Model, the model is not completely transferrable such that implementation in the United States could yield the same levels of success.

The Finnish model faced several issues when it was first implemented.¹²⁵ Managing the congregate Housing First services in Finland proved difficult in practice.¹²⁶ Despite promises of housing not conditioned on sobriety, a number of residents faced eviction for criminal or nuisance behavior, including drug and alcohol use.¹²⁷ However, while Housing First was not instantly a universal success, rates of such issues within these programs had decreased considerably by 2014.¹²⁸ Finland's long-term achievements following an initial problem with criminal or nuisance behavior demonstrates that solving homelessness involves a long-term commitment to Housing First principles, especially the principle that individuals should not have to qualify as worthy to receive housing. While cherry-picking individuals who will require fewer services or enacting eligibility requirements allows service providers to avoid criminal or nuisance behavior in the short-term, confronting these issues and addressing them head-on is the only proven way to address homelessness in the long-term.

C. Implementation of Housing First by the United States

There are a wide variety of public and private initiatives within the United States aimed at reducing homelessness. Further, due to the vast size of the United States and variance in state-level programs, homelessness looks different in each state and city.¹²⁹ However, there are specific federal agencies dedicated to enforcing fair housing laws and aid in providing shelter to vulnerable populations.¹³⁰ As part of his “War on Poverty,” President Lyndon B. Johnson created the U.S. Department of Housing and Urban Development (HUD), in 1965 to address America's housing needs.¹³¹ In 1987, Congress passed the Stewart B. McKinney Homeless Assistance Act, which authorized the creation of the United States Interagency Council on

123. ASUMISEN RAHOITUS-JA KEHITTÄMISKESKUS, *supra* note 121.

124. *See* Foster, *supra* note 122 (reporting homelessness had risen to a crisis point in all E.U. countries except Finland).

125. *See generally*, Pleace et al., *supra* note 120, at 432–34 (comparing anticipated negative outcomes of congregate Housing First against actual, mostly positive outcomes).

126. *See id.* at 433 (exploring challenges faced by Housing First service providers).

127. *See id.* (reporting occurrences of drug and alcohol use, criminal and nuisance behavior, and evictions).

128. *Id.*

129. *See State of Homelessness: 2023 Edition*, NAT'L ALL. TO END HOMELESSNESS (2023), <https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness> (describing county-level variations in population experiencing homelessness across and within states).

130. *See Questions and Answers About HUD*, U.S. DEP'T OF HOUS. & URB. DEV., <https://www.hud.gov/about/qaintro> (last visited Dec. 4, 2023) (detailing overview of federal agencies and initiatives dedicated to addressing America's housing needs).

131. *Id.*

Homelessness (USICH) to operate as an “independent establishment” under the executive branch.¹³²

In 1995, HUD changed its policy in order to promote more widespread coordination among local service providers and streamline the application process by requiring communities to submit a single application for federal grants.¹³³ Before this change, communication between local service providers was limited, as all providers were able to apply for individual federal grants without communication with other providers.¹³⁴ This lack of communication contributed to the duplication of available services and inefficient use of community funding.¹³⁵ By updating its policy in 1995, HUD encouraged the development of Continuums of Care (CoC).¹³⁶ A CoC is a local or regional planning body in a major city, suburb, or rural area with the primary goal of coordinating local services to provide support for homeless individuals and families.¹³⁷ HUD defines a CoC as “a community plan to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximize self-sufficiency.”¹³⁸ CoC typically aim to provide a variety of services, including permanent housing, transitional housing with supportive services, emergency shelter (especially for homeless families and children), and any outreach and assessment necessary to identify needs within a community.¹³⁹

In May 2009, Congress passed the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act to reauthorize the largest source of funding for homeless assistance programs.¹⁴⁰ As part of the HEARTH Act, the federal government conditioned funding on cities developing Housing First programs.¹⁴¹ The HEARTH Act specifically authorized funds for rapid re-housing assistance, which both allowed unhoused individuals to move into permanent housing and helped them increase their income to remain housed.¹⁴² Under HEARTH, the mission of USICH expanded to include coordinating the federal response to

132. Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. § 11301 (1987); *About USICH*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, <https://www.usich.gov/about-usich> (last visited Dec. 4, 2023).

133. See *What Is a Continuum of Care?*, NAT'L ALL. TO END HOMELESSNESS (Jan. 14, 2010), <https://endhomelessness.org/resource/what-is-a-continuum-of-care> (discussing 1995 HUD policy changes).

134. See *id.* (discussing origins of HUD's Continuums of Care policy).

135. See ESTHER RACHEL FUCHS & WILLIAM MCALLISTER, *THE CONTINUUM OF CARE: A REPORT ON THE NEW FEDERAL POLICY TO ADDRESS HOMELESSNESS* 45 (1996) (explaining most sites initially struggled with collaborative planning efforts and highlighting those who were able to work through differences).

136. *What Is a Continuum of Care?*, *supra* note 133.

137. *Id.*

138. *Id.*

139. *Id.*

140. Josh Leopold, *Five Ways the HEARTH Act Changed Homelessness Assistance*, URB. INST. (May 9, 2019), <https://www.urban.org/urban-wire/five-ways-hearth-act-changed-homelessness-assistance>.

141. Kimmelman, *supra* note 38.

142. Leopold, *supra* note 140.

homelessness and developing a National Strategic Plan to End Homelessness.¹⁴³ To ensure success, HEARTH created standards for CoC to measure the effectiveness of individual housing programs over time and to determine the best methods of cooperation between these programs.¹⁴⁴

Community performance measures have been used in past years to aid in decisions about which programs to fund and to tailor programs to their communities.¹⁴⁵ To measure performance, CoC collect data on individuals within the program including the total number of days homeless, exits from the homeless system to permanent destinations, and returns to the homeless system after exits to permanent destinations.¹⁴⁶ Further, HUD provides a Homelessness Data Exchange with several tools for CoC to better understand their homeless response system's performance.¹⁴⁷ System modeling programs, for example, use data to estimate a homeless population size, the housing and assistance required by this population, and the best resources to meet those needs.¹⁴⁸

President Barack Obama's administration developed a federal strategic plan with the goal of eliminating chronic homelessness and preventing homelessness for children, families, and veterans.¹⁴⁹ The plan, called Opening Doors, included rapid re-housing and the creation of additional permanent housing, and HUD specified that the efforts should be "informed by a Housing First approach."¹⁵⁰ In 2012, several major cities experiencing extreme rates of homelessness, including Houston, Texas, received additional funding and expertise from HUD.¹⁵¹ From the launch of Opening Doors in 2010 to November 2016, the point-in-time count of homelessness within the United States decreased by 14%.¹⁵² HUD credited this success with the implementation of Housing First programs across the country and proper reallocation of existing resources.¹⁵³ For example, through working with the U.S.

143. *Id.*

144. *See id.* (outlining performance measures for CoC and how they advance national policy).

145. *Id.*

146. *See* U.S. DEP'T OF HOUS. & URB. DEV., SYSTEM PERFORMANCE MEASURES: AN INTRODUCTORY GUIDE TO UNDERSTANDING SYSTEM-LEVEL PERFORMANCE MEASUREMENT 10, 11, 18 (version 2, 2015), <https://files.hudexchange.info/resources/documents/System-Performance-Measures-Introductory-Guide.pdf> (introducing and defining various system performance measures).

147. *See id.* at 6–8 (providing guidance about sources of data and ways to use it); *see also* HOMELESSNESS DATA EXCHANGE 2.0, U.S. DEP'T OF HOUS. & URB. DEV., <https://hudhdx2.info> (last visited Dec. 4, 2023).

148. *See Stella and System Modeling*, HUD EXCH., <https://www.hudexchange.info/homelessness-assistance/stella-and-system-modeling> (last visited Dec. 4, 2023) (explaining Stella system modeling data on homeless).

149. *Agency Priority Goal: End Homelessness*, ARCHIVE: PERFORMANCE.GOV (last updated Nov. 17, 2016) <https://obamaadministration.archives.performance.gov/content/end-homelessness.html>.

150. *Id.*

151. *See* Kimmelman, *supra* note 38 (discussing ten cities with high homelessness rates received money and expertise from Obama administration in 2012).

152. *Agency Priority Goal: End Homelessness*, *supra* note 149 (defining point-in-time count as number of persons experiencing homelessness on a single night).

153. *See id.* (reviewing and analyzing program's achievements).

Department of Veterans Affairs, HUD helped to decrease rates of veteran homelessness by 47%, and the states of Delaware, Virginia, and Connecticut effectively ended homelessness among veterans within their borders.¹⁵⁴ However, despite great strides practicing a Housing First approach, HUD did not end chronic homelessness within the United States by 2017.¹⁵⁵

As of 2018, USICH publicly supported Housing First and expressed its longstanding commitment to Housing First principles.¹⁵⁶ However, under the Trump administration, USICH moved away from Housing First principles and instead reverted to traditional anti-homeless sentiments.¹⁵⁷ Trump appointed Robert G. Marbut Jr., a well-known government consultant who described his perspective on homelessness as “Housing *Fourth*,” to act as director of the USICH.¹⁵⁸ Housing Fourth, in direct contrast to Housing First, takes the harmful position that homeless individuals must solve the alleged personal failings that caused them to become homeless before they are given housing.¹⁵⁹ Under Marbut’s direction in October 2020, the USICH published a new federal plan for addressing homelessness that completely reversed Housing First principles.¹⁶⁰ The USICH proposed establishing a voucher program in which housing would be conditioned on participation in treatment programs or job training.¹⁶¹ Through this method, the new USICH federal plan claimed to promote self-sufficiency of homeless individuals and allow more flexibility for states to tailor services based on local communities’ needs.¹⁶² However, the report quickly received pushback from multiple influential national homeless advocacy groups, who published a joint statement accusing the USICH report of “continu[ing] to leverage data that has been widely disproven by

154. *See id.* (discussing trends in homelessness among veterans after 2010).

155. *See HUD Reports Homelessness Unchanged in U.S. in 2018 With Notable Declines Among Veterans and Families with Children*, HUD EXCH. (Dec. 17, 2018), <https://www.hudexchange.info/news/hud-reports-homelessness-unchanged-in-u-s-in-2018-with-notable-declines-among-veterans-and-families-with-children> (reporting increasing rates of chronic homelessness among individuals with disabilities in 2018).

156. Kriston Capps, *The Consultant Leading the White House Push Against Homelessness*, BLOOMBERG (Dec. 12, 2019) <https://www.bloomberg.com/news/articles/2019-12-12/trump-s-homeless-policy-gets-a-controversial-boss> (citing U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, HOME, TOGETHER: THE FEDERAL STRATEGIC PLAN TO PREVENT AND END HOMELESSNESS (2018)).

157. *See* Ann Oliva, *Federal Plan to End Homelessness Rejects Proven Strategies, Won’t Meet Rising Need*, CTR. ON BUDGET & POL’Y PRIORITIES (Oct. 20, 2020, 1:15 PM), <https://www.cbpp.org/blog/federal-plan-to-end-homelessness-rejects-proven-strategies-wont-meet-rising-need> (describing document that negatively depicts Housing First and embraces hostile architecture and increased policing of homeless people).

158. Capps, *supra* note 156.

159. *Id.*

160. *See Trump Administration Proposes Step Back From ‘Housing First’ Homeless Policy*, CBS NEWS BALT. (Oct. 27, 2020, 2:07 PM), <https://www.cbsnews.com/baltimore/news/trump-administration-proposes-step-back-from-housing-first-homeless-policy> (discussing Trump administration changes to federal homeless policy).

161. *Id.*

162. *Id.*

experts.”¹⁶³

Today, five states account for over half of all individuals experiencing homelessness in the United States—New York, California, Texas, Florida, and Washington.¹⁶⁴ This Comment considers three major urban areas within the United States—New York City, Houston, and San Diego—which attempted to implement programs modeled after the Housing First ideology. The recent Housing First initiatives in New York City and San Diego had limited success.¹⁶⁵ However, Houston’s Housing First initiative was able to coordinate efforts with service providers, corporations, and non-profit charities to move over 25,000 homeless people directly into permanent apartments and houses.¹⁶⁶

IV. COMPARISON OF CITY HOUSING FIRST POLICIES IN THE UNITED STATES

A. *New York, New York*

For decades, New York City has faced high rates of homelessness.¹⁶⁷ Many unhoused individuals choose to sleep outside or in public indoor spaces because shelters in the city have a reputation for being over-crowded and violent.¹⁶⁸ In response, New York City has made several developments to combat rising rates of homelessness.

New York City remains under a decades-old court order to provide shelter to those in need.¹⁶⁹ In 1979, co-founder of Coalition for the Homeless Robert Hayes brought a class action lawsuit against the City and State in New York State Supreme Court in the case *Callahan v. Carey*.¹⁷⁰ The plaintiffs argued that the New York State Constitution created a constitutional right to shelter under Article XVII which specifically listed the “aid, care and support of the needy” as a matter of public

163. *Id.*

164. See TANYA DE SOUSA ET AL., THE 2022 ANNUAL HOMELESSNESS ASSESSMENT REPORT (AHAR) TO CONGRESS, U.S. OF DEP’T. HOUS. & URB. DEV. 16 (2022) (explaining statistics of state estimates of homelessness).

165. See *infra* Part IV.A and B for a discussion of the failures of New York’s and San Diego’s Housing First initiatives.

166. See Kimmelman, *supra* note 38 (discussing successes of Houston’s Housing First initiative).

167. See Christina Goldbaum, *The Subway Was Their Refuge on Cold Nights. Now It’s Off-Limits*, N.Y. TIMES (Feb. 8, 2021), <https://www.nytimes.com/2021/02/08/nyregion/nyc-subway-homeless.html> (noting thousands of homeless New Yorkers used subways for shelter for decades and homelessness reached record highs in New York before COVID-19 pandemic); see also TANYA DE SOUSA ET AL., *supra* note 164 at 21 (noting New York City has second highest number of homeless individuals of all major U.S. cities).

168. See Goldbaum, *supra* note 167. (chronicling heightened challenges faced by homeless community in worst days of COVID-19 pandemic lockdowns).

169. See *id.* (explaining, unlike other American cities, New York is required by court order to provide emergency shelter).

170. See *The Callahan Legacy: Callahan v. Carey and the Legal Right to Shelter*, COAL. FOR THE HOMELESS, <https://www.coalitionforthehomeless.org/our-programs/advocacy/legal-victories/the-callahan-legacy-callahan-v-carey-and-the-legal-right-to-shelter> (last visited Dec. 4, 2023) (explaining procedural history of *Callahan v. Carey*).

concern and guaranteed state assistance for such aid.¹⁷¹ The New York Supreme Court held that the state constitution guarantees a right to shelter and board for all homeless individuals in New York City and ordered the city and state to provide shelter for homeless men and eventually women.¹⁷² This landmark decision has not been overruled, despite the fact that no other state provides a constitutional right to emergency shelter of the homeless.¹⁷³ As a result of the *Callahan* decision, homeless individuals in New York City enjoy a right to shelter, unlike similar individuals in other large metropolitan areas in the United States.¹⁷⁴

This right was tested in 2009 when the demand for municipal shelters within the city far exceeded their capacity as high unemployment and the historic economic recession caused a spike in the homeless population.¹⁷⁵ In part to provide shelter as guaranteed under *Callahan*, the city increased the number of available shelter beds for homeless individuals by 800 by May 2010.¹⁷⁶ However, in November 2011 this progress was limited by attacks on the right to shelter from the Bloomberg administration.¹⁷⁷ Mayor Michael Bloomberg and his administration proposed new eligibility requirements for unhoused single adults, many of which centered around mental illness and health issues.¹⁷⁸ The new eligibility requirements had the potential to prevent thousands of homeless New Yorkers from receiving governmental assistance.¹⁷⁹

New York City decided to move away from strict eligibility requirements and attempted a new method of addressing local homelessness under Mayor Bill de Blasio.¹⁸⁰ In 2015, de Blasio announced the development of 15,000 supportive housing units over the span of fifteen years.¹⁸¹ Through this action plan, New York City committed to streamlining the development of permanent housing with mental and physical healthcare access for individuals struggling with homelessness, mental illness, and/or substance abuse.¹⁸²

171. *See id.* (describing plaintiff's legal argument).

172. *See* Consent decree, *Callahan v. Carey*, No. 79-42582U (N.Y. Sup. Ct. 1981) (establishing right to shelter to all homeless men); *see also* *Eldredge v. Koch*, 98 A.D.2d 675, 675–76 (N.Y. App. Div. 1983) (extending right to shelter to all homeless women in New York).

173. *See The Callahan Legacy: Callahan v. Carey and the Legal Right to Shelter*, *supra* note 170 (discussing modern influence of *Callahan*).

174. Goldbaum, *supra* note 167.

175. *See The Callahan Legacy: Callahan v. Carey and the Legal Right to Shelter*, *supra* note 170 (explaining temporary order enforcing *Callahan* decision).

176. *See id.* (noting increase in beds to accommodate 12% increase in homeless population).

177. *See id.* (stating Bloomberg proposed strict rules for shelter eligibility).

178. *See id.* (reserving right to deny shelter to homeless people with health issues).

179. *See* PATRICK MARKEE & JUDITH GOLDINER, PROPOSED SHELTER ELIGIBILITY RULES FOR HOMELESS SINGLE ADULTS 3–4 (2011) (explaining potential effects of proposed rule).

180. *See* NYC HUM. RES. ADMIN., NEW YORK CITY 15/15 SUPPORTIVE HOUSING INITIATIVE 15,000 NEW UNITS OF SUPPORTIVE HOUSING OVER THE NEXT 15 YEARS, NYC DEPT. OF SOC. SERVS. 3 (2016), <https://www.nyc.gov/assets/hra/downloads/pdf/services/supportive-housing/Report%20for%20SH%20Task%20Force%20Recommendations.pdf> (describing de Blasio's plan to address homelessness).

181. *See id.* at 4 (describing 15/15 plan announcement).

182. *See id.* at 3 (noting goal of 15/15 plan is providing housing to New York City's most

Despite the large increase in supportive housing units in New York, critics argue that the program failed to qualify as truly Housing First.¹⁸³ In direct opposition to Housing First principles, many housing providers in New York interviewed applicants and specifically selected individuals who would require fewer services.¹⁸⁴ Through this process, those who are *most* vulnerable are screened out and often “rejected for vague reasons like, “not having insight into their mental illness.”¹⁸⁵ Programs that screen applicants and require individuals to prove eligibility for housing directly violate the key principles behind Housing First.¹⁸⁶ Due to political concerns, New York City providers consistently prioritized families instead of those suffering from addiction or mental illness.¹⁸⁷ Further, this early attempt at implementing Housing First in New York City struggled because the demand for shelter far exceeded the available supply.¹⁸⁸ Local communities pushed back against the construction of more affordable housing, adopting the “Not in My Backyard” mentality.¹⁸⁹ The most commonly cited reason for such community pushback is the “fear of increased crime and decreased sense of safety,” in part based on preexisting prejudices against unhoused individuals.¹⁹⁰

In November 2022, Mayor Eric Adams announced a new pilot program to direct street-homeless individuals into supportive housing units without the previously required “bureaucratic hurdles.”¹⁹¹ The program, run by the nonprofit Volunteers of America-Greater New York, identifies as Housing First and has already launched in four single-room occupancy buildings in Manhattan and Brooklyn.¹⁹² While only eighty individuals have been moved into housing through this program as of 2022, Adams explained in his announcement that this sample of individuals will be used to ensure the program’s effectiveness before bringing about large-scale change.¹⁹³ This pilot program improves upon the supportive housing developed during the de Blasio administration by removing the unnecessary

vulnerable along with supportive services).

183. See, e.g., *Third Pillar Adopting a True “Housing First” Model in Supportive Housing*, HUMAN.NYC (2021), <https://www.humanplan.nyc/housing-first> (explaining true Housing First model does not currently exist).

184. *Id.*

185. See *id.* (stating screening processes allow providers to typically choose those with fewer needs to live at housing structures).

186. *Id.*

187. *Id.*

188. *Id.*

189. See *id.* (highlighting community pushback against supportive housing construction).

190. Corianne Payton Scally, *Who, Why, and How Communities Oppose Affordable Housing*, SHELTERFORCE (Apr. 23, 2014), https://shelterforce.org/2014/04/23/who_why_and_how_communities_oppose_affordable_housing.

191. See David Brand, *NYC Pilots ‘Housing First’ Plan for Handful of Homeless Adults*, CITY LIMITS (Nov. 15, 2022), <https://citylimits.org/2022/11/15/nyc-pilots-housing-first-plan-for-handful-of-homeless-adults> (describing Mayor Adams’ pilot plan).

192. *Id.*

193. *Id.*

paperwork and bureaucratic barriers to putting individuals in vacant housing.¹⁹⁴ For this reason, New York's newest attempt at Housing First may be a step in the right direction. However, this announcement frustrated New York City Housing First advocates because it demonstrated that the city *has* the power to fill nearly 2,600 vacant supportive housing units yet, has done little to nothing to aid homeless New Yorkers.¹⁹⁵

B. San Diego, California

Despite being the eighth-largest city in the United States, in recent years San Diego frequently ranked among the top five cities with the largest homeless populations.¹⁹⁶ In 2017, over 9,000 individuals in San Diego were unhoused, and nearly half of those individuals lacked any form of shelter.¹⁹⁷ Consistent issues with housing affordability contribute to the homeless crisis in San Diego, and in California overall.¹⁹⁸ San Diego's housing market is high-priced and often outpaces state wages because San Diego is a desirable coastal city.¹⁹⁹ In 2015, an individual in San Diego would have to work around three full-time minimum wage positions in order to afford a market-rate apartment.²⁰⁰

Early attempts to mitigate the homeless crisis in San Diego centered on over-policing and punitive anti-homeless policies.²⁰¹ Efforts to revitalize San Diego intentionally displaced and relocated unhoused individuals to a downtown district undergoing development which was renamed East Village.²⁰² Furthermore, relaxed zoning laws incentivized local providers of homeless services to relocate to the East Village.²⁰³ The San Diego Police Department enforced a variety of local "quality of life" laws, which specifically aimed to criminalize public conduct such as loitering, aggressive panhandling, urinating, defecating, camping or sleeping in parks, and using offensive words.²⁰⁴ Although San Diego carefully avoided criminalizing homelessness, homeless individuals were prohibited from a long list of life-

194. *Id.*

195. *Id.*

196. See Megan Welsh & Mounah Abdel-Samad, "You're an Embarrassment": *Un-Housed People's Understandings of Policing in Downtown San Diego*, 19 CRIMINOLOGY, CRIM. JUST. L. & SOC'Y 33, 36-37 (2018) (noting California's high housing costs as factor for San Diego's homelessness crisis); see also DE SOUSA ET AL., *supra* note 164, at 68 (citing that San Diego had highest rate of homeless veterans in 2022).

197. Welsh & Abdel-Samad, *supra* note 196, at 37.

198. See *id.* (noting housing affordability crisis as contributing factor to housing insecurity in California and San Diego).

199. *Id.*

200. See SAN DIEGO HOUS. COMM'N, ADDRESSING THE HOUSING AFFORDABILITY CRISIS IN SAN DIEGO AND BEYOND 54 (2015) (stating two full-time minimum wage jobs would lead to housing costs being over 50% of annual income as opposed to recommended 30%).

201. See Welsh & Abdel-Samad, *supra* note 196 at 35, 37-38 (explaining history of policing of homeless experiences).

202. *Id.* at 37.

203. *Id.*

204. *Id.* at 35.

sustaining activities.²⁰⁵ Thus, in practice if not in law, San Diego effectively criminalized homelessness.

In 2014, the San Diego Housing Commission first announced their newfound commitment to Housing First principles through their new action plan: Housing First – San Diego (HFSD).²⁰⁶ During its first year, HFSD directed \$8.3 million to develop 121 permanent supportive housing units.²⁰⁷ HFSD also provided rental assistance to apartment complexes with supportive services.²⁰⁸ The federal government provided the majority of the funding for this program, though the program also operated with the assistance of local organizations.²⁰⁹ The current phase of HFSD started on July 1, 2017, and builds on the previous phases of the original program.²¹⁰

The HFSD action plan immediately prioritized the construction of temporary shelters due to a local shortage of affordable housing.²¹¹ However, focusing the city's funding on homeless individuals with disabilities and emergency shelters failed to provide a long-term solution to homelessness.²¹² Diverting resources to temporary shelters instead of long-term supportive housing placed the unhoused individuals of San Diego in a revolving-door system.²¹³ Compared to other areas on the West Coast, San Diego had one of the highest percentages of individuals returning to homelessness after two years.²¹⁴ Further, the length of stays in emergency shelters increased, indicating a need for longer-term shelter.²¹⁵

Unfortunately, San Diego faced several unique challenges that limited the effectiveness of their homelessness response strategy.²¹⁶ Following a hepatitis A outbreak among the San Diego unsheltered homeless community in 2017, the city constructed several short-term shelters to provide services and temporary housing, partially in an effort to reduce the spread.²¹⁷ While these “bridge” shelters were meant to transition individuals to permanent housing, a report in 2018 found that only 8% of the individuals in transitional housing moved on to permanent housing

205. *See id.* at 37 (noting efforts to avoid criminalization of homelessness).

206. *See* Richard C. Gentry, *In Response: Housing First*, THE SAN DIEGO UNION TRIB. (Jan. 1, 2016), <https://www.sandiegouniontribune.com/opinion/letters-to-the-editor/sdut-in-response-housing-first-2016jan01-story.html> (explaining history of HFSD).

207. *See id.* (stating that HFSD provided rental assistance to Alpha Square Apartments).

208. *Id.*

209. *See Housing First – San Diego*, SAN DIEGO HOUSING COMM'N, <https://www.sdhc.org/homelessness-solutions/housing-first-san-diego/> (last visited Dec. 20, 2022) (listing types of funding available for housing units including federal vouchers).

210. *Id.*

211. *See* Audrey Jensen et al., *Two Cities Tried to Fix Homelessness, Only One Succeeded*, ARIZ. STATE UNIV. HOWARD CTR. FOR INVESTIGATIVE JOURNALISM (Dec. 14, 2020), <https://cronkitenews.azpbs.org/howardcenter/caring-for-covid-homeless/stories/homeless-funding-housing-first.html> (explaining San Diego's reasons for prioritizing temporary shelter construction).

212. *See id.* (explaining temporary shelters do not support long-term solutions).

213. *See id.* (noting people constantly re-entering current housing assistance programs).

214. *Id.*

215. *Id.*

216. *See id.* (stating large demand for housing outpaces both supply and wages).

217. *See id.* (explaining how hepatitis A outbreak led to expansion of housing construction).

after their stay in the short-term shelter.²¹⁸

In addition, San Diego failed to establish a system of cooperation between local homelessness service providers by attempting a series of “one-off projects” modeled after Housing First ideology.²¹⁹ Through this piecemeal approach, San Diego’s rates of homelessness did not decrease significantly.²²⁰ From 2011 to 2020, the number of homeless individuals in San Diego decreased by only 19%, much lower than would be expected from Housing First programs.²²¹ Experts say the local programs’ misunderstandings about what constitutes a Housing First approach contributed to the lack of proper implementation; even when HUD supported the Housing First model, the Department failed to properly outline the resources required for programs to adopt a Housing First approach (such as the level of staffing, frequency of supportive services, and other key details) and did not establish a system of oversight for local program implementation.²²²

C. Houston, Texas

Houston entered a severe economic recession from 1982 to 1987.²²³ By 1983, due to excessive building immediately before the recession, Houston had the highest rental vacancy rate of any large metropolitan area within the United States.²²⁴ However, despite an apparent surplus of available housing, rates of homelessness in Houston only increased.²²⁵ Low-cost housing was in high demand, yet in short supply, which can occur because of increased rent for low-cost housing or elimination of low-cost housing stock.²²⁶ Reagan-era tax reforms in the 1980s discouraged the construction of affordable multifamily rentals, instead focusing on high-cost single-family homes.²²⁷ Affordable housing options in the city of Houston “turned into a game of musical chairs played by low-income Americans.”²²⁸

“A decade ago, Houston had one of the highest per capita homeless” populations in the United States.²²⁹ Despite the decades-long prevalence of homelessness within Houston, the city lacked an effective system for responding to

218. *See id.* (citing statistic from 2018 Focus Strategies report).

219. *See id.* (explaining fewer reductions of homelessness resulted).

220. *See id.* (explaining that homelessness rate decreased by only 19%).

221. *See id.* (explaining that, in same time period, through consistent implementation of Housing First programs, Houston managed to decrease its homeless population by 55%).

222. *See id.* (explaining how misunderstanding of program contributed to improper implementation).

223. *See* Karin Ringheim, *Investigating the Structural Determinants of Homelessness: The Case of Houston*, 28 URB. AFFS. Q. 617, 619 (1993) (highlighting timeline of Houston’s economic recession).

224. *Id.*

225. *Id.*

226. *Id.*

227. *See id.* at 620 (noting reduction of multifamily home subsidies); *see also* Kimmelman, *supra* note 38 (highlighting tax reforms).

228. *See* Kimmelman, *supra* note 38.

229. *Id.*

persistent rates of homelessness.²³⁰ At first, similar to San Diego, Houston focused on criminalizing the consequences of homelessness, such as public intoxication, instead of its sources.²³¹ Through these anti-homeless policies, the city directed millions of public funds to jailing homeless individuals.²³² Further, at this time, regional aid organizations, both public and private, lacked an effective system for sharing information, duplicated services, and competed against each other for federal funding.²³³

In 2012, when Houston received additional federal funding for addressing their rising rates of homelessness, Mayor Annise Parker, along with assistance from White House experts, developed a CoC comprised of dozens of local homelessness service providers.²³⁴ Over 100 regional organizations eventually joined this Continuum, called The Way Home.²³⁵ Only a few food banks and religious organizations requiring conditions for housing chose not to join.²³⁶ Collectivizing its homeless relief system through The Way Home allowed Houston to collect real-time data to measure local program effectiveness and streamline many services.²³⁷ Houston was built on an oil business culture of independence and avoiding reliance on or assistance from others; however, when it came to tackling homelessness, the city recognized a clear need for increased coordination, communication, and funding.²³⁸ For example, thousands have been housed through a voucher program since the Houston Housing Authority joined The Way Home and committed to providing 250 homeless clients with a higher position on the waiting list for vouchers.²³⁹

Parker explained, “[b]ut the bottom line is that nearly everybody in Houston involved in homelessness got together around what works. That’s our secret sauce.”²⁴⁰ Houston’s CoC created a special vulnerability index modeled off the federal index and tailored to conditions specific to the city.²⁴¹ Chronically homeless individuals score highest on the vulnerability index.²⁴² The city provides those with higher scores permanent supportive housing with a case manager to access employment or treatment programs.²⁴³ Individuals ranked lower on the vulnerability

230. *See id.* (stating that Houston’s homelessness system was in shambles).

231. *See id.* (providing public intoxication as example of criminalizing homelessness).

232. *Id.*

233. *See id.* (discussing how local aid organizations were ineffectively operating in silos).

234. *See id.* (describing how Houston benefitted from HUD’s HEARTH Act, which funded “continuums of care” in ten cities with pervasive homelessness).

235. *Id.*

236. *See id.* (explaining organizations that did not participate had conditions for religious observance and/or sobriety).

237. *See id.* (noting that HEARTH Act required homeless organizations to work together in CoC under single agency, coordinate programs, and share data).

238. *See id.* (contrasting Houston’s collectivized housing assistance program with its independent oil business culture).

239. *Id.*

240. *Id.*

241. *Id.*

242. *Id.*

243. *Id.*

scale may be diverted from the program and provided with assistance for signing up for other federal programs, such as food stamps or Social Security benefits.²⁴⁴

Most individuals who qualify for housing in the city fall below the score required to be eligible for permanent housing and instead qualify for rapid re-housing.²⁴⁵ Through rapid re-housing, the city pays the tenant's rent for one year, which gives individuals the time and opportunity to find another place to live or the means to pay the apartment rent.²⁴⁶ While many critics claim rapid re-housing is merely pushing the problem to deal with later, around 75% of those rapidly re-housed remain housed in Houston.²⁴⁷

V. IMPROVING THE UNITED STATES' MODEL—A PROPOSED SOLUTION

The Pathways Housing First (PHF) model for addressing homelessness was developed in the United States and implemented in Finland with successful results, yet the policy did not have similar success in the United States.²⁴⁸ Finland's version of the PHF model demonstrates that commitment to the PHF model can successfully decrease rates of long-term homelessness in the right environment; however, the policy's success directly relied on the existing social benefits system in Finland and local government's construction of new and affordable housing.²⁴⁹ While the Finnish Housing First Model may not be completely transferrable to the United States, the success of the Housing First model in Houston, Texas demonstrates that Housing First programs can succeed within the United States with the proper resources, support from local and federal government, coordination with local organizations, and designated affordable housing.²⁵⁰ Due to the rise in rates of homelessness and housing instability across the United States following the COVID-19 pandemic, the United States should adopt several of the key components of Finland's housing policy to combat long-term homelessness.

The federal government must go beyond supporting Housing First in the abstract. It should require programs to commit to true Housing First principles before providing funds to them—especially a lack of eligibility requirements before providing housing. Further, the federal government must direct resources to ensure

244. *See id.* at 5 (noting that most individuals seeking homelessness services did not qualify for apartments and were “diverted” and instead given rental assistance, or help signing up for food stamps or Social Security benefits).

245. *Id.*

246. *Id.*

247. *See id.* (discussing Houston's rapid re-housing program where continuum pays for apartment leased in client's name).

248. *See supra* Section III.C for a discussion regarding the creation of the U.S. Department of Housing and Urban Development and its strides towards supporting Housing First. Despite those strides, it did not end chronic homelessness within the U.S. by 2017 due to a lack of direction and oversight from the federal government.

249. *See supra* Section III.B for a discussion on Finland's Housing First model that upholds principles of individual choice, an autonomy-oriented conception of housing.

250. *See supra* Section IV.C for a discussion on how Houston was able to develop a Continuum of Care with federal government aid comprising of dozens of local homelessness-service providers and provided housing stability for its residents.

proper training and guidance about Housing First to state-level service providers. Finally, the United States needs to educate citizens about the structural causes of homelessness, including its long history of targeting the visibility of homelessness instead of targeting homelessness itself, and accept that any real attempt at solving homelessness will require a long-term commitment. The implementation of Housing First in the United States has been limited for too long by a lack of funding, re-naming programs to “Housing First” without fidelity to the core principles, and public pushback due to misconceptions about Housing First.²⁵¹ Further, the United States needs to learn from Finland—and from the international community at large—that the right to adequate housing is a basic human right and governments should ensure shelter for their citizens.

Due to the many complex factors that cause modern homelessness, no single solution will permanently solve homelessness or address complex housing issues like gentrification or affordability.²⁵² However, the success of Housing First programs designed to decrease homelessness in countries like Finland indicates that homelessness—even at the large scale seen in the United States—is not an insurmountable social problem when governments implement the right practices.

The United States’ federal government has claimed to support Housing First for decades; however, this principled stance alone has not proven to be effective at addressing homelessness within the United States.²⁵³ Houston’s model, unlike those implemented in San Diego and New York, resembled Finland’s Housing First model by (1) increasing cooperation and communication between existing homelessness services, (2) committing to the principles behind the Housing First model by abandoning eligibility and sobriety requirements, and (3) investing in long-term shelter and transitional housing beyond short-term emergency shelters. Further, Finland’s government and the Finnish public support a fundamental right to housing and, thus, adequately fund and support Housing First policies.²⁵⁴ The United States must join Finland and other States Parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) by passing domestic legislation acknowledging that housing is a human right. Housing First within the United States is not likely to succeed without public support, and legislation regarding the rights of unhoused individuals is a vital first step in combating public stigma within the United States surrounding homelessness.

251. See *The Human Plan to End Street Homelessness: Adopting a True “Housing First” Model in Supportive Housing*, HUMAN.NYC (2021), <https://www.humanplan.nyc/housing-first> (noting bureaucratic barriers such as city-made guidelines to engage in mandatory treatment for substance use or mental health delay access to housing).

252. See Heinäluoma, *supra* note 7 (explaining that Housing First is not panacea for homelessness because of interlocking issues like affordability and gentrification).

253. See *supra* Section III.C for a discussion on how poor direction and oversight from the federal government contributed to the unsuccessful attempt at ending chronic homelessness in the long-term.

254. See Tahiat Mahboob, *Housing Is a Human Right: How Finland Is Eradicating Homelessness*, CBC RADIO (Aug. 19, 2020), <https://www.cbc.ca/radio/sunday/the-sunday-edition-for-january-26-2020-1.5429251/housing-is-a-human-right-how-finland-is-eradicating-homelessness-1.5437402> (explaining Finland’s government and society understand homelessness is national problem to be solved collaboratively).

A. Public Perception and Local Understanding of Homelessness and Housing First

First, the United States federal government needs to demonstrate its support for Housing First by codifying a right to adequate housing and creating a method for instructing local programs on the requirements of a Housing First approach. Elected officials should use their power and platforms to challenge supportive housing providers' "service resistance" narrative by acknowledging that current services are "person-resistant" due to their departure from a true Housing First approach.²⁵⁵

Section 19 of the Finnish Constitution states that public authorities shall promote the right to housing and the opportunity for citizens to arrange their own housing, which includes a right to basic housing services and subsistence for individuals who need support.²⁵⁶ Further, the international community at large recognizes that housing is a human rights issue and that individuals must have the right to shelter.²⁵⁷ The ICESCR explicitly defined adequate housing as a human right and a government obligation under international law.²⁵⁸ Although the United States signed the ICESCR, the United States did not ratify the ICESCR into its domestic law.²⁵⁹ Thus, under federal and state law, the United States maintains that there is no fundamental right to housing.²⁶⁰

New York City stands as an exception to the majority rule in the United States, as there is the long-standing judicially-created right to shelter.²⁶¹ Connecticut, Illinois, and Rhode Island have also passed homeless rights legislation to codify the right to move freely in public spaces, vote, receive emergency medical care, and be free from employment discrimination.²⁶² It is evident from the perpetual high rates of homelessness in New York City that creating a right to shelter alone did not solve

255. *The Human Plan to End Street Homelessness: Adopting a True "Housing First" Model in Supportive Housing*, *supra* note 251.

256. *See* Suomen Perustuslaki [Constitution] June 11, 1999, §19 (Fin.) ("Everyone shall be guaranteed by an Act the right to basic subsistence in the event of unemployment, illness, and disability and during old age as well as at the birth of a child or the loss of a provider The public authorities shall promote the right of everyone to housing and the opportunity to arrange their own housing.").

257. *See* N.Y.C. BAR ASS'N, INT'L. HUM. RTS. COMM., ADVANCING THE RIGHT TO HOUSING IN THE UNITED STATES: USING INTERNATIONAL LAW AS A FOUNDATION, at 1–3 (Feb. 2016), www2.nycbar.org/pdf/report/uploads/20072632-AdvancingtheRighttoHousingIHR2122016final.pdf (noting that ICESCR affirms individuals' right to adequate standard of living for themselves and their families, including housing and sufficient living conditions).

258. *See id.* at 3 (asserting States Parties must recognize right to adequate standard of living including housing).

259. *See id.* at 1 (explaining United States has not ratified any convention, including ICESCR, codifying right to adequate housing).

260. *See id.* at 1 (explaining United States has no binding source of right to housing in state, federal, or enforceable international law).

261. *See supra* Section IV.A for comparison of state/city Housing First policies in New York City.

262. *See* Adam Ploszka, *A Homeless Bill of Rights as a New Instrument to Protect the Rights of Homeless Persons*, 16 EUR. CONST. L. REV. 601, 610–11 (2020) (noting Connecticut, Illinois, and Rhode Island are among the first states to pass homeless bills of rights).

homelessness.²⁶³ State-level homeless bills of rights have also received criticism for acting merely as a symbol while doing little to nothing in practice to aid the unhoused.²⁶⁴

However, such measures are an important step in the right direction.²⁶⁵ Public perception of political programs can greatly impact their long-term success.²⁶⁶ In the past, the public in the United States has consistently shown abstract support for homeless rights, only to push back when shelters and homelessness services are established in their communities.²⁶⁷ Furthermore, homeless bills of rights do more than act as symbols; they ensure that homeless individuals are protected from routine human rights violations, such as the de facto criminalization of homelessness.²⁶⁸ While the United States' federal government has not codified a right to adequate housing, states must implement homeless bills of rights in the meantime to provide homeless individuals with protection from human rights violations and to combat public stigma around homelessness.²⁶⁹

B. Fidelity to Housing First Principles

Cities must remove bureaucratic barriers to supportive and transitional housing and commit to a true Housing First model—one without any conditional requirements for stable housing.²⁷⁰ On December 19, 2022, President Joseph Biden announced that his administration will be working with the USICH and returning to the Housing First model abandoned under the Trump administration.²⁷¹ The

263. See *supra* Section IV.A for discussion on the establishment of the right to shelter under *Callahan v. Carey* (1979) and the aftermath of unsuccessful attempts at guaranteeing universal housing in New York City.

264. See N.Y.C. BAR ASS'N, *supra* note 257, at 13–16 (explaining how piecemeal approach to housing laws in United States led to incomplete protections for homeless people).

265. See *id.* at 13–15 (describing state efforts to enshrine housing rights through state constitutions, laws, and litigation).

266. See THE NAT'L L. CTR. ON HOMELESSNESS & POVERTY, FROM WRONGS TO RIGHTS: THE CASE FOR HOMELESS BILLS OF RIGHTS LEGISLATION 13, 14, 17 (2018), https://homelesslaw.org/wp-content/uploads/2018/10/Wrongs_to_Rights_HBOR.pdf (arguing advocates should be mindful of public opinion to garner support from communities).

267. See, e.g., *id.* at 6–7 (discussing ways in which bill can offer protection of homeless individuals' basic rights to housing and use of public spaces); see also Mitchell, *supra* note 12, at 942–43 (discussing trends in history of “Not in My Backyard” resistance to public housing or welfare resources rooted in “geography of power”).

268. See generally THE NAT'L L. CTR. ON HOMELESSNESS & POVERTY, *supra* note 266 (describing methods in which states criminalize homelessness through laws prohibiting life-sustaining activities, like sleeping or sitting, in public spaces).

269. See *id.* at 10–12, 17 (describing successful implementation efforts for Homeless Bill of Rights in Rhode Island and Puerto Rico and prospective legislation in California to emphasize their positive impact).

270. See, e.g., *The Human Plan to End Street Homelessness*, *supra* note 251 (explaining how New York should remove supportive housing interviews because they restrict access to housing).

271. See KATU Staff, *Biden Administration Releases Plan to End Homelessness Focusing on 'Housing First' Model*, NBC 24 NEWS (Dec. 19, 2022, 10:37 AM) <https://nbc24.com/news/nation-world/biden-administration-releases-plan-to-end-homelessness-focusing-on-housing-first-model-addressing-inequities-underserved-communities-coordinated-effort-healthy-safe-communities-emergency-management>; see also Elayne Weiss, *The Trump Administration's Impact on Public*

instability of federal policy in the United States due to changing administrations hinders the likelihood of success for Housing First.²⁷² As explained earlier, the government in Finland maintained a commitment to supporting and funding Housing First solutions to homelessness for over a decade, even throughout cutbacks to other types of government assistance.²⁷³ The United States, on the other hand, failed to maintain a uniform, consistent federal policy for aiding people without housing as shown through the Trump administration’s withdrawal from promoting Housing First.²⁷⁴

In Finland, unlike in the United States, addressing homelessness is no longer a political debate.²⁷⁵ There is widespread consensus among politicians that homelessness is a national problem and that the government needs to work together to solve homelessness.²⁷⁶ Juha Kaakinen, CEO of Finland’s largest housing nonprofit, the Y-Foundation, explained, “This kind of political will—that’s the starting point. It doesn’t solve everything, but it helps.”²⁷⁷ To address homelessness within the United States, the U.S. government needs to demonstrate that kind of political will and commit to a *long-term* federal Housing First action plan.²⁷⁸

Biden’s new Housing First action plan, titled “All In: The Federal Strategic Plan to Prevent and End Homelessness,” will require a coordinated effort to rapidly move street-homeless individuals into adequate housing with support and necessary services.²⁷⁹ The White House pledged full-time federal assistance for developing and executing local homelessness strategies, removing unnecessary red tape and bureaucratic processes, providing technical support and data analysis, and supporting volunteer networks to collaborate on best practices and approaches for reducing unsheltered homelessness.²⁸⁰ This promising news indicates that the United

and Assisted Housing, AMERICAN BAR ASS’N (May 21, 2021), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/vol--44--no-2--housing/the-trump-administration-s-impact-on-public-and-assisted-housing (describing negative impacts of President Trump’s rollback of housing funding and protections).

272. See Mitchell, *supra* note 12, at 946–47 (describing how welfare rollbacks in 1980s led to increased privatization of supportive services through charities without much government oversight).

273. See Y-FOUNDATION, *supra* note 21, at 10–12 (discussing history of Y-Säätiö in establishing rental housing for people experiencing homelessness since 1985).

274. See Oliva, *supra* note 157 (noting new federal plan in 2020 negatively deviated from previous administrations’ policies, including President Trump’s own administration at that time).

275. See Mahboob, *supra* note 254 (noting political consensus and understanding that homelessness is national problem in Finland).

276. See *id.* (explaining how Finland shows constant support of housing policy through funding, legislation, and ambitious goals).

277. See *id.* (describing political consensus around homelessness in Finland, which has allowed successive governments to invest in and implement long-term solutions).

278. See *id.* (attributing endurance of Finland’s successful housing program to consistent political will).

279. See KATU Staff, *supra* note 271 (describing Biden’s ambitious goal of reducing homelessness by 25% by 2025 through coordination among state and local governments).

280. See *id.* (describing four aspects of federal support to reduce homelessness as full-time federal assistance, including federal experts, maximum flexibility and regulatory relief, technical support, and volunteer support).

States will not abandon the proven Housing First approach and return to its history of ignoring structural barriers to wellness in favor of individualism and blaming homeless citizens for their misfortune. However, if the United States fails to learn from its past mistakes, as seen in New York City and San Diego, the Housing First approach cannot achieve its intended results, even with renewed executive support.

When explaining the development of Housing First in Finland, Kaakinen said, “It was clear to everyone the old system wasn’t working; we needed radical change.”²⁸¹ While the United States also acknowledged that the old system was not working, the U.S. government has not demonstrated a commitment to radical change.²⁸² Critics of Housing First within the United States have claimed for years that the principles behind the program—not its implementation—are flawed.²⁸³ However, Finland’s Housing First implementation, which inspired renewed Housing First efforts throughout Europe with its success,²⁸⁴ demonstrates that the principles behind the program are not flawed. While the United States’ size and government structure differ from Finland’s, Finland serves as proof that Housing First principles can succeed with long-term commitment, public support, and adequate oversight and instruction of local programs.

VI. CONCLUSION

The United States cannot expect an evidence-based method of reducing homelessness to succeed without proper resources and commitment. To claim that Housing First has “failed” in the United States would be a misconception; the only true attempt at Housing First within the United States in Houston, Texas, succeeded in significantly decreasing rates of urban homelessness.²⁸⁵ Choosing to abandon Housing First before fully attempting to implement a Housing First approach for homelessness within the United States would be an undeniable step backwards. After decades of managing homelessness, society has not achieved significant progress, and the cost has continued to rise.²⁸⁶ The United States government does not need to revert to its long history of managing homelessness and attempting to

281. Jon Henley, *‘It’s a Miracle’: Helsinki’s Radical Solution to Homelessness*, THE GUARDIAN (June 3, 2019, 3:00 PM), www.theguardian.com/cities/2019/jun/03/its-a-miracle-helsinkis-radical-solution-to-homelessness.

282. See, e.g., KATU Staff, *supra* note 271 (suggesting it is too early to know whether Biden’s plan for 25% reduction in homelessness through the “All In” plan will be sustainable and successful).

283. See Ned Resnikoff, *Housing First Is Not Housing Only*, BENIOFF HOMELESSNESS & HOUSING INITIATIVE BLOG (Oct. 21, 2021), <https://homelessness.ucsf.edu/blog/housing-first-not-housing-only> (detailing how critics of Housing First frequently mischaracterize theories behind Housing First to argue that it is not effective).

284. See David Brand, *‘Housing First’ Approach Is Catching on Around the World*, GLOBAL CITIZEN (Nov. 10, 2017), <https://www.globalcitizen.org/en/content/housing-first-ending-homelessness-human-right> (noting countries such as Norway and Denmark have demonstrated their commitment to implementing Housing First).

285. See *supra* Section IV.C for discussion on the great strides Houston, Texas made in combating homelessness.

286. See *supra* Section IV.A and B for a discussion of cities where attempts at reducing homelessness found only moderate success.

decrease its public visibility instead of aspiring to end homelessness.

If anything, the United States can learn from Finland that there is no reason to resign itself to the belief that homelessness is an unavoidable aspect of modern society.²⁸⁷ The United States government is partially to blame for this modern surge of housing instability.²⁸⁸ It must accept that short-term solutions like anti-homeless architecture and policies only punish individuals for their status and exacerbate existing issues.²⁸⁹ Commitment to long-term change, raising public awareness about homelessness and Housing First, and providing increased instruction and oversight for local programs allowed Finland to practically solve homelessness.²⁹⁰ When the United States government is ready to truly commit to combating homelessness in the long-term, it can begin by following Finland's example.

287. See *supra* Section III.B for a discussion of Finland's exemplary implementation of the Housing First model and its successes.

288. See *supra* Section II.B for a discussion on anti-homeless culture in the United States.

289. See *id.* for an explanation of damaging anti-homeless practices in the United States.

290. See *supra* Section III.B for a discussion on Finland's Housing First strategies that were effective at nearly eradicating homelessness.