



*Sent via Email*

June 21, 2018

The Honorable Edmund G. Brown  
Governor of California  
State Capitol, Suite 1173  
Sacramento, CA 95814

The Honorable Toni Atkins  
Senate President Pro Tempore  
State Capitol, Room 205  
Sacramento, CA 95814

The Honorable Anthony Rendon  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, CA 95814

**RE: End California's Poverty Crisis**

Dear Governor Brown and Legislative Leaders:

This week at the United Nations, Phillip Alston, the Special Rapporteur on extreme poverty and human rights will condemn the U.S. and the state of California in a report that details failures to protect the rights and meet the needs of our most vulnerable residents. We hope you will take decisive action to improve the shocking conditions highlighted in the report and ensure that every Californian has a standard of living adequate for health and well-being.

The [report](#) of the Special Rapporteur presents findings from his visit to the U.S., which, as the Rapporteur notes, “has the highest rate of income inequality among Western Countries” with millions living in absolute poverty. In a wide-ranging indictment, the Rapporteur’s final report finds that “the United States is alone among developed countries in insisting that, while human rights are of fundamental importance, they do not include rights that guard against dying of hunger, dying from a lack of access to affordable health care or growing up in a context of total deprivation.”

During his visit, the Rapporteur spent time in California – including Los Angeles and San Francisco – where he heard testimony and received detailed submissions on matters ranging from homelessness to bail and the criminalization of poverty in our state. Indeed, nowhere is the Rapporteur’s indictment more salient than in California, where stratospheric wealth coexists with life-threatening poverty. In the spirit of the report, we call for your action and partnership to remedy the following economic justice crises:

- **Poverty and income inequality:** California has the [highest poverty rate in the nation](#), with about one-in-five people living in poverty. More California children age 0-5 live in poverty than any other age group – [about one-in-four](#). California is a state of tremendous resources – it has the fifth largest economy in the world – yet it has one of the highest rates of income inequality in the U.S. The report observes that the U.S. currently relies on an “illusory emphasis” on employment as its primary anti-poverty policy, and is in the midst of gutting the social safety net for those who cannot work in the name of fraud eradication, which hurts the most vulnerable among us.
- **Homelessness:** California is the epicenter of homelessness in the U.S.; California represents 12% of the nation’s population but [25% of its homeless population](#). An astounding one-half of all

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people experiencing street homelessness in the U.S. live in California. Yet instead of addressing this challenge with humane and effective policies that prioritize housing and health care, the report finds that California criminalizes the condition of being homeless and denies basic sanitation – even below the standards for U.N. refugee camps – to people living on the street or in emergency shelters.

- **Housing affordability crisis:** California’s [high housing costs](#), combined with its failure to develop sufficient subsidized affordable housing, largely accounts for its poverty and homelessness crisis. The report makes clear what we already know: safe, affordable, supportive housing is the solution to our homelessness crisis, and also a necessary foundation for all children and families.
- **Criminalization of homelessness and poverty:** California and its municipalities make it a crime to engage in innocent behaviors that are unavoidable for people living in poverty or homelessness, such as sleeping or sitting in public. They then make poverty worse by pushing those without homes through a broken criminal justice system and plunging them further into destitution through excessive fees and fines associated with their criminal prosecution. As the report finds, “So-called fines and fees are piled up so that low level infractions become immensely burdensome, a process that affects only the poorest members of society, who pay the vast majority of such penalties.” It goes on to say that “[p]unishing and imprisoning the poor is a distinctively American response to poverty...” and that “[i]t is difficult to imagine a more self-defeating strategy,” as people experiencing poverty have few or no resources with which to pay these fines, much less offset the enormous costs associated with carrying out these policies.

We agree with the Rapporteur’s conclusion that “...the persistence of extreme poverty is a political choice made by those in power. With political will, it could readily be eliminated.” As leaders of a state with the highest poverty rate in our nation, these violations of human rights principles are your responsibility to address. We call on you to implement the following recommendations:

- **Advance the right to housing and other basic needs:** California can only solve its poverty and homelessness crisis by guaranteeing access to safe, supportive, affordable housing for those who need it. We believe passing legislation that protects the basic rights of people experiencing homelessness will affirm California’s commitment to a human rights-centered response to homelessness which the Rapporteur recommends. In the next few months ahead, we encourage you to support local and statewide efforts to fund and develop new safe, affordable, supportive housing, enact policies that protect Californians from housing insecurity and discrimination, and help pass the Costa-Hawkins repeal ballot measure, which will provide municipalities additional tools to reduce housing precarity due to sky-rocketing housing costs. California must also recognize and protect the right to other basic survival needs, including health care, food, and clean water and we encourage your continued leadership to pass laws, support policies, and appropriate funding to make our most low-income and vulnerable Californians’ access to these basic human needs real.
- **Decriminalize being poor:** As the report notes, “It is poverty that needs to be arrested, not the poor simply for being poor.” California must cease employing law enforcement and the criminal justice system to persecute, warehouse, and consign low-income people to permanent second class citizenship status. We look forward to partnering with you to end the practice of extracting

wealth from people experiencing poverty through excessive fines and fees. As the report explains, “[s]o-called fines and fees are piled up so that low level infractions become immensely burdensome, a process that affects only the poorest members of society, who pay the vast majority of such penalties.” Similarly to the leadership shown recently to end driver’s license suspensions for inability to pay, we believe California can be a leader in ending the harmful practice of charging administrative fees in the criminal justice system.

- Make California a leader in promoting fairness and equality for all: California has the resources and wealth to end poverty and homelessness. Yet, as the report notes, “the demonization of taxation means that legislatures effectively refuse to levy taxes even when there is a desperate need...There is a real need for the realization to sink in among the majority of the American population that taxes are not only in their interest, but also perfectly reconcilable with a growth agenda.” It is up to California’s leaders to aggressively promote and implement fair and equitable tax policies. California can take a step forward by ending Proposition 13’s massive commercial property tax loopholes, which for nearly four decades have stolen billions of dollars each year from California schools and local services. We encourage you to endorse the “Schools and Communities First” ballot measure in the next few months and use your leadership role to pass it come November 2020. Ending this tax inequity will provide \$11 billion annually and put California back on the path towards growth and investment for our Golden State.

Extreme poverty and rampant homelessness are not choices that the richest state in the richest nation in history needs to continue making. Implementing these recommendations will go far in making sure – even when our federal government continues to fail – our state guarantees economic justice and basic human rights to all. We hope to partner with you to accomplish these goals in the next months (and years) ahead.

Sincerely,

Clarissa Woo Hermosillo  
Director of Economic Justice / Director of Policy Advocacy

Devon Porter  
Legal Fellow

Eve Garrow  
Homelessness Policy Analyst & Advocate

Ian Kysel  
Staff Attorney

Julia Devanthéry  
Staff Attorney\*

\*Not admitted in California; admitted to practice law in Massachusetts and selected Federal Courts

Cc: Gavin Newsom, Candidate for Governor  
John Cox, Candidate for Governor

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