Homelessness: A Dilemma of Public Space and Public Policy

Amilia Cervantes

This paper critically examines the socio-spatial dimensions of homelessness in Toronto, Ontario with respect to policy and public space. Using the Ontario Safe Streets Act (1991) as a case study, it challenges the idea that homelessness simply exists in the urban landscape but rather is constructed and systematically perpetuated by social, political and spatial forces. Specifically, it focuses on how the homeless population is deemed 'illegitimate' and separate from the 'legitimate' public through processes of social (re)production, interactions in the public space and through anti-poor and anti-homeless city political and planning agendas. By questioning the political priority in Toronto this paper seeks to answer what purpose such hierarchical controls over the public space serve and to whom. Finally, this paper examines how the role of the activist and groups alike can challenge and promote change in the public sphere.

Introduction

Poverty and peril have always been plights of city life. The 'bum', the vagabond, the pauper, or 'bag lady' are all stereotypical descriptions for poor, homeless persons in the urban landscape. However, the term homelessness has not been in use for very long, only gaining entry to the vernacular in the 1980s. In many ways it is used as an umbrella term for social and economic policy failures (Hulchanski, Campsie, Chau, Hwang, & Paradis. 2009). This paper challenges the idea that these stereotypes, and homelessness itself simply exist in the urban landscape, but rather are constructed and systematically perpetuated by social, political, and spatial forces. The negative view towards homeless and street individuals within the urban landscape is apparent in social responses from the greater public, targeted policing, as well as anti-homeless, anti-poor agendas on the part of political agencies. This is a critical socio-political view focused on questions of the public space, and political rationales which affect and (re)produce homelessness in the public space, including which actors control and define it.

Firstly, research findings regarding homelessness and policy in Ontario will be shared. These findings will be discussed in the context of homelessness in Toronto, Ontario. How the social production and reproduction of 'legitimate' citizens and 'illegitimate' bodies within the public space perpetuates the negative views towards homeless people and differentiates them from the 'legitimate' citizens as degenerates, will be highlighted. Distinctions and transitions of space grounded in Lefebvre's (1991) concepts, will be used to show how the most powerful social and political forces shaping the city are not focused on solving the homeless crisis, but rather on catering the public space to 'legitimate' citizens with an anti-poor, capitalist agenda. Thus, the homeless population is deemed 'illegitimate' and separate from the 'legitimate' public. This is perpetuated by processes of social (re)production, interactions within the public space, and by the cities' anti-poor, and anti-homeless political and planning agendas. Lastly, not only are activist(s) and groups able to challenge and promote change in the public sphere; they are vitally important in addressing the disjuncture between policy and the well being of marginalized groups.

Research Findings

Initial research on homelessness in Toronto points mainly to the drastic numbers of the homeless population and the apparent shortage of affordable housing. This is largely due to the federal government's disinvestment in affordable housing since the 1990s which has decreased by 46% over the past 25 years compounded by a decrease in federal spending on low-income housing per capita by almost 50% (Gaetz, Gulliver & Richter, 2014; O'Grady, Gaetz & Buccieri, 2013). The shrinking supply of affordable housing in Toronto, declining wages or rather the fact that "minimum wage has not kept up with inflation in any jurisdiction in Canada" (Gaetz et al. 2014. p. 3) has put an increasing number of Canadians at risk of homelessness. According to Gaetz et al. (2014), in Canada 35,000 people are homeless on any given night and over 235,000 Canadians experience homelessness in a year. These numbers are striking and are even more so as they become concentrated in dense urban areas such as Toronto.

This research uses the Ontario Safe Streets Act (OSSA) as a case study for the situation of homeless people in highly controlled public spaces, using Toronto as an example. The OSSA (1999) states that no person shall solicit a person who is (a) using, waiting to use, or departing from an automated teller machine; (b) waiting to use a pay telephone or a public toilet facility; (c) waiting at a taxi stand or a public transit stop; (d) on a public transit vehicle; (e) in the process of getting in, out of, on or off a vehicle or who is in a parking lot; or (f) on a roadway, in or on a stopped, standing or parked vehicle (section 3, ch. 8). It is crucial to note that these areas prohibiting solicitation make up a significant portion of the urban space in Toronto. Moreover, police officers may arrest a person without warrant based on "reasonable and probable grounds", leaving room for vague interpretations of offenses and definitions of solicitation.

Fines for a first offence range from $60 to $500 and up to $1000 for each subsequent of-

fence. These fines are rarely paid by offenders as they are distributed disproportionately to groups living in extreme poverty who do not have the means to pay or challenge these tickets (O'Grady, Gaetz & Buccieri, 2011). This puts a burden of debt on homeless individuals and contributes to policing costs. O'Grady et al. (2011) estimate the real cost of Toronto Police Service to issue these tickets was "$189,936 in 2009, and $936,019 over the past eleven years… this does not include the cost of processing tickets, police follow up on bench warrants issued to homeless persons for non-payment of fines, or any follow-up overhead" (p. 35). O'Grady et al. (2011; 2013) highlight a 2,000 percent increase in ticketing by the Toronto Police Service from 2000 to 2010 in accordance with the Ontario Safe Streets Act (1999).

Closely related to the bans on panhandling and soliciting in the urban space of Toronto, the Toronto Transit Commission (2009) enacted By-law No.1 which notably prohibits anyone from loitering in TTC property and prohibits anyone from displaying, offering, distributing or placing handbills, signs, notices or any form of written or printed matter on or in TTC property without authorization (section 3.16). This clearly targets the homeless population and their methods for generating income.

Hulchanski et al. (2009) bring up the important point that some people see homelessness as an "individual problem, not a housing problem" (p. 10) and thus not a greater structural problem. Some individuals deal with mental illness and health issues hindering their ability to keep a job and stay housed (Hulchanski et al., 2009; Loukaitou-Sideris & Ehrenfeucht, 2009; Greene, 2014). However, anti-social behavioral legislation and political priorities for the 'legitimate' more affluent public is a greater factor (O'Grady et al., 2013; Hulchanski et al., 2009; Kirby, 2008). In an interview conducted with Helen Luu, an advocacy and outreach coordinator for the Right to Housing Coalition and the Advocacy Tenants Centre Ontario (ACTO), the lack of a national housing strategy and vacancy
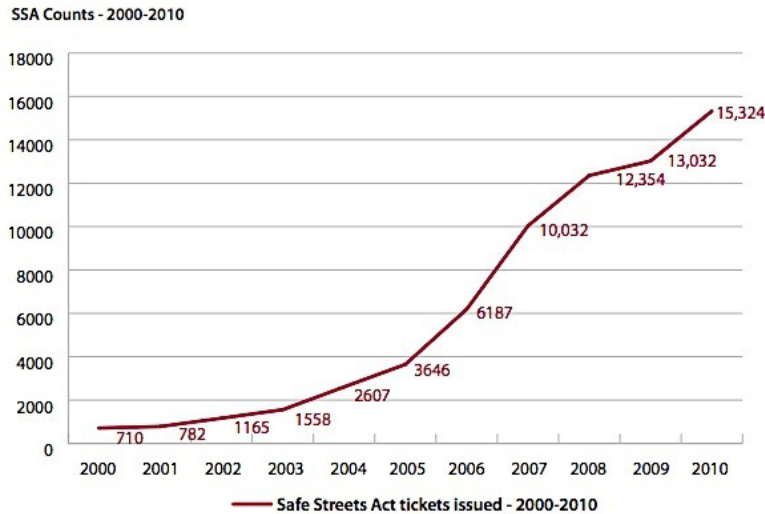
SSA Counts - 2000-2010

Figure 1. In "Can I See Your ID? The Policing of Youth Homelessness in Toronto." by B. O'Grady, S. Gaetz, & K. Buccieri, 2011. Toronto: JFCY & Homeless Hub. p.31. Copyright 2011 by the Justice for Children and Youth, and Homeless Hub Press.

decontrol were cited as main issues perpetuating Toronto's precarious housing situation. Furthermore, disinvestment and the down-loading of housing responsibilities to lower levels of government has only increased the numbers of at risk and homeless people. This again points to the structural issues regarding policymaking and legislation in Ontario as key contributors to the homelessness crisis in Toronto, rather than individuals.

These findings raise critical questions of political priority in Toronto. Particularly, how policies are aimed at controlling the public space to maintain order and project homogeneous utopian ideals of the urban public realm. To whom do these ideals cater? Who is the "legitimate" public? What purpose do these hierarchical controls over the urban space serve? These questions will be addressed in the discussion.

Discussion

In Toronto, especially in the downtown core, homelessness has become a common occurrence in the urban public space (Greene, 2014; O'Grady et al., 2011). Passing someone begging for change on the street, or sleeping over a sewer grate for warmth is not uncommon. How then,

has such a stark display of inequality become such a normal feature of urban living? The interactions between homeless people and people who have homes, creates a social dynamic and definition of homelessness as it is experienced in the urban public space everyday (Kirby, 2008; Valado, 2006; Razack, 2002). Homelessness is perpetuated by misguided public policy and a political and social system centered on capitalism and private ownership (Hulchanski et al., 2009; Baillergeau, 2014). Therefore, it is necessary to look at the complex interaction of social, political, and spatial factors which (re)produce and naturalize homelessness in the urban landscape.

Political Rationale

Since the 1980s, uneven development in Toronto has linked the geography and conceptual definitions of homelessness with gentrification. This has also coincided with Toronto's ascendance to global city status (Greene, 2014) during which, certain political policies in Canada which Hulchanski et al. (2009) identify as "neo-conservatism or neo-liberalism" (p. 17) have gained prominence. The rise of neoliberalism can be traced to prime minister Mulroney in 1984 with

"deregulation, public spending cuts and tax cuts for the well- off [which] were supposed to trickle down to the less fortunate" (Hulchanski et al., 2009. p.17). However, these "trickle down benefits" have largely remained at the top of the economic ladder, making the rich even richer and leaving the poor worse off than they were before, as precarious housing and employment become commonplace characteristics of low-income groups (Gaetz et al., 2014). This draws a critical connection between Toronto's changing urban landscape and the detrimental effects on homeless people. Additionally, this begs the question of whose needs or wants are priority for the Canadian government. It appears that supportive policy for homeless individuals has fallen by the wayside in light of city development and globalization.

During the interview, Luu raised an important point saying that "it costs more to keep people homeless than it costs to actually fix the issue" (H. Luu, Personal Communication, November 10, 2015). Thus, why spend more on incarcerating and policing the homeless than building affordable housing or contributing to long term solutions? It is clear even from such a utilitarian perspective that political actors are more concerned with public face and targeting the visibility of homelessness rather than addressing policy failures. Not only do policies such as the OSSA not include the well being of all citizens in concerns for public safety, but failure to recognize this anti-poor bias in policy making (Baillergeau, 2014; Valado, 2006) simply leads to inefficient, unsustainable solutions. This not only raises questions concerning the political rationales of the city but also highlights how policy excludes and dispossesses homeless populations from the framework and definition of the public.

Homelessness is viewed as a stain on the urban landscape in many ways (Yuen, 2011; Baillergea, 2014). However on a basic level the very presence of a homeless person is unwelcome. A homeless person's presence is seen firstly as a threat (Baillergeau, 2014). The OSSA prohibits aggressive soliciting (Government of Ontario, 1999) for the sake of 'public' safety. Thus, criminalizing soliciting becomes a way of maintaining the illusion of public order. Most tickets are not for 'aggressive' acts and are seldom paid (O'Grady et al., 2013). Rather ticketing can be seen as an attempt, on the part of officials, to reduce the visibility of homelessness, and maintain a sense of public order (O'Grady et al., 2013; Baillergeau, 2014). However, these acts prohibited as per the OSSA, are largely means of survival for the homeless population and some of the few ways to generate income (O'Grady et al., 2011). Thus the needs of the homeless population are of less concern than the political rationale for 'public' safety. This highlights the apparent anti-poor bias in the OSSA policy.

The mapping of capitalism in the urban landscape becomes apparent through policies, such as the OSSA, where acts of homelessness and even the presence of homeless bodies are unwelcome (Kirby, 2008; Loukaitou-Sideris & Ehrenfeucht, 2009). Local businesses don't like homeless people in in their vicinity, as they think customers may be deterred from entering their establishments. Moreover, people generally don't want homeless aids such as shelters in their neighborhood as they think it will drive down real estate values in the area (Cross, 2015). In these instances the capitalist economy quite literally rejects homeless people, putting economic gains before the inclusion and well being of the homeless population. This can also be seen in city efforts to beautify the streets in order to attract global investment and tourism (Mitchell, 1998; Loukaitou-Sideris, & Ehrenfeucht, 2009). Thus the capitalist system inherently excludes the homeless population as it seeks to eliminate visible homelessness from the urban space. In this sense, homelessness is largely a systemic issue perpetuated by political forces. Meanwhile, these underlying systemic issues of homelessness are not resolved and the symptoms of homelessness remain the priority.

The Dilemma of Public Space

Mitchell (1999) suggests the public space is a material location where social interactions and political activities of all members occur (p.1116). However policies such as the OSSA control the public space by defining which actions are acceptable and prohibited. Criminalization of acts such as panhandling, squeegeeing or loitering in public areas (Toronto Transit Commission, 2009; OSSA, 1999) directly targets the homeless population, making their actions in the public space unacceptable. The neoliberal capitalist system caters the public space to more affluent groups; firstly by making it so that the public space is somewhere one comes and goes from, but does not stay in (Greene, 2014; Gibson, 2008), and secondly by defining which actions are acceptable in the public space.

Public spaces are privatized and controlled by forces other than the individual which inhabits the public space (Lefebvre, 1991; Razack, 2002; Mitchell, 1999). In this sense the "manifestation of globalizing neoliberalism" inevitably includes the "taking back of public spaces from the poor and from the homeless" (Kirby, 2008. p. 76). In the view of Lefebvre (1991) this can be seen as representations of space, as the uses of the public space are premeditated, versus representational space, being the ways in which homeless people live in and use the public space (Razack, 2002; Valado, 2006). This presents the dilemma of public space for homeless people—socially acceptable private space does not exist for homeless people on the street, because they are forced to use the public space for private activities (Mitchell, 1999; Loukaitou-Sideris & Ehrenfeucht, 2009; Valado, 2006). Their representational space does not fit with the representations of space as outlined by political agencies and social norms (Razack, 2002; Kirby, 2008; Valado, 2006). Furthermore, implementations of defensive architecture like 'bum-proof' benches in bus shelters for example, deter homeless people from sleeping in certain public areas and cater to the citizen who moves through the public space with an inevitable destination to a private space (Loukaitou-Sideris & Ehrenfeucht, 2009; Valado, 2006). Mitchell (1999) drives this point of delegitimizing the homeless person further by suggesting that homeless people cannot be legitimate citizens in a democratic society as they live involuntarily in the public space, and that this goes against the very idea of citizenship in a modern democracy. Thus the public space is catered to housed citizens by policy, policing, and architecture. These factors act as spatial forces which aim to push the homeless population out of the public space with few (if any) alternatives.

Social (Re)Productions

While spatial and political relations are crucial in the exclusion and delegitimization of homeless individuals, social relations are paramount in the production and reproduction of homelessness. The term homeless is after all a social construction (Loukaitou-Sideris & Ehrenfeucht, 2009; Valado, 2006). As Hulchanski et al. (2009) state "by hiding a broad set of socially undesirable outcomes under the rubric of homelessness, society can recognize and condemn the undesirable social outcome we call homelessness" (p.13). Yet the very dynamics creating the problem of homelessness are not named under this umbrella term (Hulchanski et al., 2009). Instead, homelessness is associated with social stigma and this acts as a negative social force against homeless individuals. The word homelessness evokes a notion of helplessness (Loukaitou-Sideris & Ehrenfeucht, 2009), and in this definition the individual remains trapped unless they find permanent housing. With few alternatives to living on the street, homelessness has become naturalized in the city (Mitchell, 1998; O'Grady et al., 2013; Gaetz et al., 2014).

Framing homeless people as a public nuisance and threat to public safety (Baillergeau, 2014) through policies such as the OSSA further perpetuates the negative views towards homeless people. Furthermore, this ignores the factors which drive individuals to the status of

homeless. By dealing with visible homelessness rather than the factors leading to homelessness, it is impossible to create real solutions or prevent people from falling into a state of homelessness (Hulchanski et al., 2009). Instead homeless people are deemed illegitimate as they are not truly a part of the definition of 'public' according to policy and law, and are viewed negatively as individuals through political rhetoric. For example in a 2011 newspaper interview, Deputy mayor Doug Holyday stated "I don't know if it's a matter of tossing them in jail but it's letting them know they're not allowed to utilize public space [in a way] that makes it their own" in regards to the homeless (Yuen, 2011). This kind of public rhetoric not only emphasizes the exclusion of homeless people from the urban public space but reinforces and perpetuates negative, delegitimizing social perspectives regarding homeless people.

The Role of Advocacy and Outreach

Grassroots organization plays a vital role in challenging the dominant capitalist and neoliberal systems in place. Groups such as Advocacy Center for Tenants Ontario and Right to Housing Coalition are doing just this, by firstly creating public awareness of the situations and secondly, criticizing the priorities of the government. As Luu stated "it is a matter of political will" (H. Luu, Personal Communication, November 10, 2015). It is also a matter of de-naturalizing homelessness in the urban landscape and promoting critical public discourse which challenges hegemonic political agencies. During the interview Luu raised this very point and urged that "[Canada] may actually win a national housing strategy … [through] the [social] campaign and not through the courts" (H. Luu, Personal Communication, November 10, 2015). Social advocacy is key in pushing for the kind of structural change necessary to better the homelessness crisis in Canada. By putting the structural issues at hand on the public radar, these advocacy groups act as a "watch dog from the civil society level" (H. Luu, Personal Communication, November 10, 2015), and can push the governments atten-

tion towards the well being of the people as a whole and not just the 'legitimate' public.

Conclusion

This paper challenges the idea that homelessness simply exists in the urban landscape, but rather that it is constructed and systematically perpetuated by social, political and spatial forces. The negative view of homeless and street people within the urban landscape is apparent, in both social responses from the greater public, targeted policing, and anti-homeless and anti-poor agendas on part of political agencies and neoliberal tendencies. The most powerful social and political forces shaping the city, including the government, police and everyday citizens are not focused on solving the homeless crisis but rather catering the public space to 'legitimate' citizens in an anti-poor, global capitalist agenda. Political actors and public policy create the situations, systems and spaces in which homelessness occurs and is systemically constructed (Hulchanski et al., 2009; Razack, 2002; O'Grady et al., 2009; Casey, Goudie & Reeve, 2008). These systems — namely the capitalist and neoliberal public policies— cater the public space to more affluent, 'legitimate' and housed populations.

A lack of options or long term solutions for homeless people in the urban space perpetuates homelessness within the urban landscape. Homelessness is thus entangled with a dilemma of the public space. Failures of the capitalist and neoliberal policies to address the needs of all people in the urban public space, not just those deemed 'legitimate' are at the heart of the problem. By including and excluding certain bodies within the public space, homelessness is socially, politically and spatially produced and re-produced (Razack, 2002; Loukaitou-Sideris & Ehrenfeucht, 2009). It becomes the primary job of activists and grassroots organizations to challenge the naturalization of homelessness in the urban landscape and the policies which lead individuals to become homeless by creating critical public discourse. The issue of homelessness in Canada rests primarily with the government.

Policies must stop penalizing the individual for being homeless and instead recognize and amend the shortcomings of policies in aiding homeless individuals. Until such structural changes are made, these stark inequalities and exclusions in the urban public space will simply continue as they have; to the detriment of many.

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