

IN JUST TIMES

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NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



Changing Laws, Changing Lives

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Dear Friends,

As I write, the Law Center is preparing for the new Administration. We've identified five top concerns: possible cuts in affordable housing funding; reversal of gains in fighting the criminalization of homelessness; reversal of other civil rights gains; erosion of rights for homeless children and youth; and loss of health care coverage for homeless single individuals. Find out more, including what you can do, [here](#).



Maria Foscarinis
Executive Director

We'll be reaching out to the incoming Administration. We expect challenges, and so we are also recalibrating our strategies to be as effective as possible in this new environment.

We plan increased focus on state and local advocacy, through our new [Housing Not Handcuffs Campaign](#), developed in collaboration with over 100 organizations. The [goal of the](#)

[campaign](#) is to redirect law, policy and public funds away from criminalizing homelessness and towards ending it through housing and supportive services. You can learn more about—and endorse—the campaign [here](#).

We will also work for local level reform through the Data Driven Justice Initiative, launched by the White House last June with the Law Center as a key partner. The initiative is self-sustaining beyond the current White House and we will continue to offer webinars, tools, models and guidance for local governments to help them move away from criminalizing homelessness and provide housing instead.

While we hope to achieve policy reform voluntarily, we also plan more emphasis on litigation on a range of issues. In 2015, the Justice Department [filed a brief](#) in our case challenging Boise’s anti-camping law—supporting us and influencing cities around the country. Especially in the event of less support from the incoming DOJ, strategic litigation to set and strengthen federal precedent will be critical.

We also plan increased media outreach. Our recent [Housing Not Handcuffs Report](#) drew national attention to the criminalization of homelessness, and [recent coverage](#) in the New York Times highlighted Denver’s criminalization of its homeless residents, as well as our national work, boosting the advocacy efforts by our allies in that city.

We expect challenges ahead and invite you to get involved in supporting our work. See how you can get involved [here](#).

Thank you, and best wishes for health, happiness and justice for all in 2017!

PIT Preview



Photo Credit - [Flickr](#)

Each January, thousands of volunteers across the country spend a cold night on the streets counting people experiencing homelessness for the Department of Housing and Urban Development’s (HUD’s) annual Point-in-Time (PIT) count. Although HUD itself [acknowledges](#) the count is imperfect and an undercount, the numbers are nonetheless cited

over and over by policymakers and the media as evidence of progress, or lack thereof, in ending homelessness. Before the press briefly turns its attention to the count on these frigid nights, we wanted to revisit our concerns about the process.

It is important to count, and to know who and how many are where and for what reasons. But the PIT count is frequently cited as a definitive number of persons experiencing homelessness on a single night. Rarely are the [shortcomings](#) of the count process acknowledged, such as a) that the count is conducted in January on extremely cold nights, when those who can find a short-term motel or double up with friends or family are doing so, excluding them from sight (and the count) even though they may be on the streets the other three seasons of the year; b) relatedly, HUD's definition of homelessness used for the count explicitly excludes those who are living doubled up due to economic need, although those individuals are included under other federal definitions of homelessness; c) due to safety concerns, the count methodology explicitly discourages volunteers from looking in parks, alleys, and other places homeless persons are likely to be hiding; and d) in many communities, sleeping on the streets or in public areas is [criminalized](#), which pushes people experiencing homelessness to hide themselves more deeply in areas where they are not likely to be found. All of these factors artificially depress the numbers and can lessen the political will necessary to take corrective action.

In late 2016 when HUD published its 2016 PIT count results, USICH Executive Director Matthew Doherty [wrote](#) one of the best federal statements to date on the PIT numbers, emphasizing that “it is not the only data that we consider, and it is not the only data that communities should use to guide the strategic decisions and tailor the interventions that we need to end homelessness. We also need to consider sources of annualized data that help us understand the number of people who experience homelessness or housing instability over the course of a year. Such data helps paint a more complete picture of the state of homelessness and housing needs in our country.”

Doherty then notes that although some numbers show a decrease in homelessness for some sub-populations, the Department of Education data (which uses a broader definition) increased by 8% between 2013-2014, suggesting that although progress may be being made on veterans and chronically homeless adults, more needs to be done to address family homelessness.

As volunteers head out to the streets once more, we hope this nuanced approach to the data is reflected in both media coverage and our federal and local governments' policy responses. We suggest reviewing the [model policy](#) approaches outlined in our new [Housing Not Handcuffs](#) Campaign.

U.N. Committee Against Torture Inquires About Criminalization of Homelessness



The Law Center's Senior Attorney Eric Tars Discusses Report on Youtube
Photo Credit - The Law Center

In response to a [report](#) submitted by the Law Center, [the UN Committee Against Torture asked](#) the U.S. to “describe any measures adopted to abolish the laws and policies criminalizing homelessness at state and local levels” in its next report to the Committee, due to the Committee in November 2018. This provides the Law Center and other advocates with leverage to push federal agencies for further substantive responses to criminalization and means that in two years (if the U.S. files its report on time), we will have the opportunity to hold the U.S. accountable for actions on criminalization of homelessness with the Committee in Geneva.

Cy Pres & Court Award Contributions

Courts across the country have directed *cy pres* and court awards to programs that provide legal services to people experiencing poverty, like the Law Center, recognizing that these programs serve an important societal purpose and are well-managed, non-partisan, nonprofit organizations that provide effective services to the community, the courts, and their clients. Contact Diane Aten, Director of Development and Communications, to learn more about how you can help the Law Center through *cy pres* and court awards. She can be reached at daten@nlchp.org or 202-638-4148.

Here are some of the ways the courts have helped groups like the Law Center fulfill our mission:

- **Cy Pres Awards:** These are made from unclaimed class action funds. Courts have broad discretion in this area and have found a nexus between the similar purposes of class action lawsuits and organizations like the Law Center that offer access to the justice system for those who might otherwise not have it. A case does not have to be

about homelessness in order for the Law Center to qualify. In *Moira Gilley v. Ernie Haire Ford, Inc*, Circuit Court (13th Judicial District, FL), those among the awardees were two national legal aid entities.

- Court-Approved Settlements: Most court awards to groups that provide legal services for disadvantaged persons are resulting from settlement discussions between the parties, where there is an agreement between them that a charitable donation to a group like the Law Center is in order. Such contributions are often offered by defense counsel.
- Sanction Awards: In a few cases judges have sanctioned attorneys in a case and awarded the sanction funds to legal aid programs, pursuant to their broad discretionary power.
- Criminal Disgorgement: Under federal and state sentencing guidelines, if after payment of all fines and restitution to victims of the crime, there remain funds gained as a result of the crime, those funds must be disgorged. Disgorgement may be required in a plea agreement, or by the court at sentencing, through contribution of the funds to a non-profit organization or the government. As part of a plea agreement, payment of an agreed disgorgement amount to a non-profit may result in a more limited time of incarceration, or other advantages in the case of a corporate defendant.

Please Endorse Our Campaign!

HOUSING **NOT HANDCUFFS**

In order to end the crisis of homelessness, the criminalization of homelessness must end immediately. All persons experiencing homelessness should instead have access to affordable housing, education, health care, employment, income, and other opportunities and services that allow all to live with dignity. These are the only solutions to the crisis of homelessness from a moral, legal, fiscal, and policy perspective. The Law Center and over 100 of our partners have launched the [Housing Not Handcuffs Campaign](#) to call for the end to the criminalization of homelessness and a major national shift toward effective housing policies. Please [join or endorse](#) our campaign now!

Changing Laws. Changing Lives.

The National Law Center on Homelessness & Poverty (the Law Center) is the only national organization dedicated solely to using the power of the law to end and prevent homelessness.

With the support of a large network of pro bono lawyers, we address the immediate and long-term needs of people who are homeless or at risk through outreach and training, advocacy, impact litigation, and public education.

