

IN JUST TIMES

a publication of the

**NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY**



*Changing Laws,
Changing Lives*

News and Commentary for
July 2013

We use the power of the law to end homelessness by:

- Advocating for families and individuals that need access to housing
- Ensuring homeless children have access to school
- Protecting the human and civil rights and dignity of all

DONATE TODAY

Dear Friends,

Across the country, advocates, including homeless and formerly homeless people, are calling for legislation that protects the basic rights and dignity, and ensures equal access to opportunity regardless of housing status.

Last year, Rhode Island became the first state in the nation to enact an enforceable bill of rights, and the Law Center is proud to have worked with advocates there on that effort. Since then, similar bills have become law in CT and IL, one is in the works in CA, and advocates in other states are contemplating similar initiatives. We are supporting these efforts and planning more support going forward.

These new laws aim to prevent discrimination based on housing status in the use of public space, as well as in employment, housing, voting. These are key issues in communities across the country-and such discrimination serves as a barrier preventing their efforts to escape homelessness. Fighting discriminatory policies with proactive, affirmative campaigns goes to the core of our mission to end and prevent homelessness.



**Maria
Foscarinis Executive
Director**



We're also working with the US Interagency Council on Homelessness, and the Department of Justice to build on the report published by the two agencies last year, Searching out Solutions, and to urge further steps by these and other federal agencies to implement its recommendations.

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

CHANGING LAWS,
CHANGING LIVES

Save the Date

MCKINNEY-VENTO AWARDS
& RECEPTION (Buffet Dinner)

RSVP events@nlchp.org

WHEN:
OCT 30, 2013 | 7pm

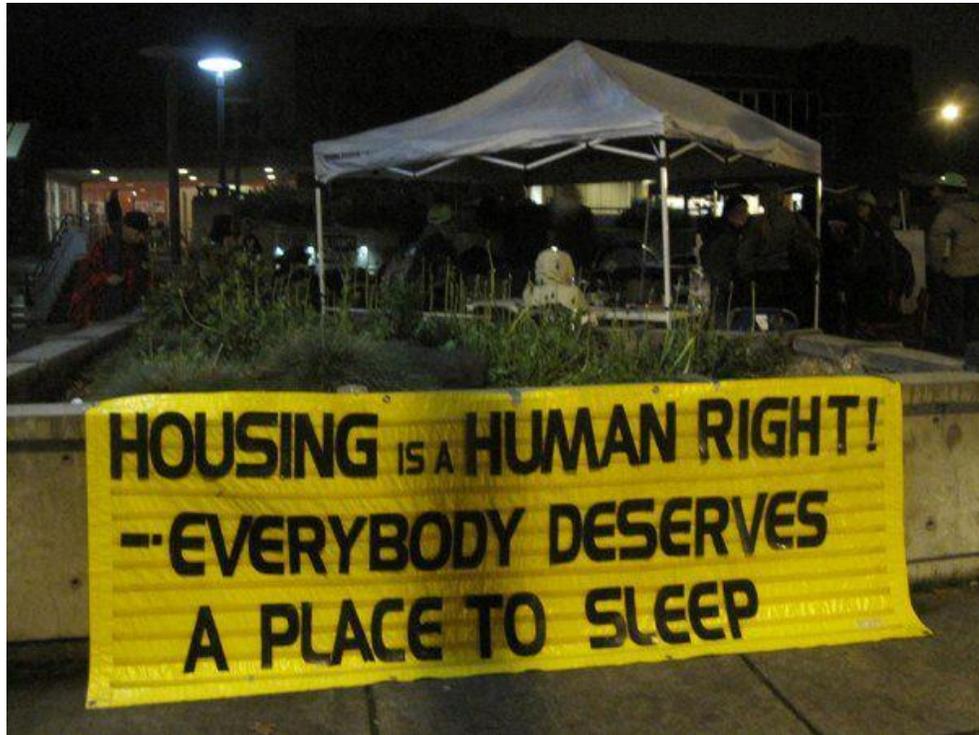
WHERE:
Renaissance Downtown Hotel
999 Ninth Street NW
Washington, DC 20001

National Law Center on Homelessness & Poverty | 2000 M Street NW, Suite 210, Washington, DC 20036
www.nlchp.org

Federal Action to Combat Criminalization of Homelessness

On July 17, 2013, representatives from key federal agencies and advocates from the National Law Center on Homelessness & Poverty (NLCHP) participated in an open dialogue about the criminalization of homelessness in the United States.

Prompted by the United Nations (U.N.) [Human Rights Committee's concern about imposing criminal penalties on people living on the streets in the U.S.](#), the U.S. Interagency Council on Homelessness (USICH) hosted delegates from the Departments of State, Justice, Housing & Urban Development, Health & Human Services, and Veterans Affairs, as well as NLCHP to discuss the urgent need for effective solutions. While the focus of the meeting was about domestic policy, the fact that it took place within this context of a human rights review was unprecedented, and the participants arrived ready to address criminalization of homelessness as a potential violation of both the U.S. constitution and our international treaty obligations. Although participants recognized that criminalization laws and ordinances are implemented on state and local levels, the conversation demonstrated a collective interest in federal agencies using their power to incentivize constructive alternatives to criminalization.



With this in mind, participants shared their respective agencies' efforts to reduce criminalization. The Department of Justice (DOJ) discussed its creation of consent decrees that have expanded supportive and permanent housing in the context of the Olmstead Supreme Court case. Although Olmstead focused on preventing unnecessary institutionalization of people with disabilities, many people experiencing homelessness are also living with disabilities, and these settlements help create housing options for them outside an institutional context. All participants expressed interest in exploring and expanding the line of cases addressing benefits for people experiencing homelessness.

NLCHP's Maria Foscarinis highlighted the [growing trend of states passing Homeless Bills of Rights](#) to ensure that communities do not violate homeless individuals' rights. Participants also noted the importance of the federal government systemically supporting these protections and working with human rights commissions on a local level to educate individuals on their civil and human rights.

[Click here to continue reading.](#)

Law Center Partners with WilmerHale Attorneys to Augment Protection of Homeless Students' Rights under the McKinney-Vento Act

Law Center staff are working with the law firm of Wilmer Cutler Pickering Hale & Dorr LLP ("WilmerHale") on a national survey of McKinney-Vento Act protections for homeless students, as implemented by state and local agencies.



As of June 2012, public schools reported more than 1 million homeless children and youth, according to data from the U.S. Department of Education. This number prompted the National Law Center to take a closer look at protections for these students. Beginning last fall, Human Rights Program Director Eric Tars worked with Thomas Mueller and Christine Sommer of Wilmer Hale, to design a process for assessing the accessibility and quality of various McKinney-Vento processes across all 50 states, as well as the District of Columbia. The survey analyzes whether a state has established a clear and timely process for "homeless" students (i.e., school-aged youths without a fixed, permanent residence—whether due to a recent move, job loss, etc.) to maintain an uninterrupted education, as well as access to school-based activities (including transportation, meal, and extracurricular programs). With the help of several attorneys from its Dayton office (including Megan Barker, Kathleen Batliner, Jessica Browning, Jennifer Ciszewski, Scott Finey, Sara Fluhr, Scott Forsman, Maria Grimshaw, Allison Hawkins, Summer Hawks, Jeremy Hook, Micheline Kidwell, Michael Larez, Thomas Manion, Robert Strong, and Hank Swearingen), the Wilmer Hale team reviewed local regulations and interviewed dozens of state personnel to pull together a state-by-state analysis of how school districts address the needs of homeless students in their jurisdiction. The Law Center is in the process of posting individual state process information, as well as an overview of "exemplary" jurisdictions, to inspire change in states where McKinney-Vento may not be adequately implemented.

By providing ready access to various state McKinney-Vento procedures, the Law Center hopes to minimize a disruption in the education of students lacking permanent housing.

-Christine Sommers, Attorney at WilmerHale, Regulatory and Government Affairs Department



Migrant Workers Await U.S. Response

On July 23, the National Law Center on Homelessness & Poverty joined Maryland Legal Aid Bureau (MD Legal Aid) and migrant farmworker advocates in [calling for the U.S. Department of State to respond](#) to a United Nations (U.N.) communication regarding a [MD Legal Aid complaint](#) about human rights violations occurring in migrant labor camps. On December 27, 2012, the U.N. Special Rapporteurs on Extreme Poverty and Human Rights, on the Situation of Human Rights Defenders, and on the Human Rights of Migrants [issued a letter to the U.S.](#)

[government](#). The Special Rapporteurs' letter detailed migrant agricultural farmworkers' lack of access to legal, labor, healthcare, anti-trafficking, religious, and social services, with emphasis on farmworkers who live in temporary employer-owned housing or migrant labor camps. The U.S. government has yet to respond or actively address this issue, leaving migrant workers with limited or no access to their civil and human rights.

Migrant farmworkers are among the poorest laborers in the United States and are therefore among the most vulnerable - like individuals experiencing homelessness - to human rights violations. Farmworkers are often undocumented migrants with low levels of education and limited proficiency in English. Additionally, many migrant farmworkers live in rural areas and are dependent on their employers for transportation and access to public services and resources. When employers are unwilling to assist, farmworkers must rely on outreach and advocacy efforts. Advocates, however, are frequently prevented by employers and law enforcement officials from providing the necessary legal assistance to farmworkers. In fact, outreach workers are often harassed, accused of trespassing, and threatened with arrest or sometimes even violence.

The U.N. Special Rapporteurs highlighted the legal limitations these individuals face and have questioned the U.S. government's role in protecting migrant farmworkers' human rights and human dignity. Under international human rights law, specifically the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on the Elimination of all forms of Racial Discrimination (CERD), the United States has a legal obligation to ensure that all individuals are able to access legal protections without discrimination.

[Click here to continue reading.](#)

Changing Laws. Changing Lives.

The Law Center is the only national legal advocacy organization dedicated to ending and preventing homelessness in America. It fights in the halls of power for laws and policies that protect homeless people's rights and help them rise out of poverty.

www.nlchp.org