

# IN JUST TIMES

a publication of the

NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY



Changing Laws, Changing Lives

December 2018



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Dear Friend,

As 2018 draws to a close, I'm reflecting on all the challenges we've faced and the progress we've made, and I want to share my thoughts with you.

**Victory in the 9<sup>th</sup> Circuit** We won a major victory in our long-fought [court challenge in \*Martin v. Boise\*](#), when the federal appeals court for the Ninth Circuit ruled that it is unconstitutional to “criminalize conduct that is an unavoidable consequence of being homeless—namely sitting, lying, or sleeping on the streets” when there are no other adequate alternatives for shelter. The Ninth Circuit covers nine states, and the potential impact is tremendous. Following advocacy work of the Law Center and partners, we have already seen policy reforms in cities across the West. We are grateful to our friends at Idaho Legal Aid and the terrific pro bono team at Latham & Watkins for their partnership.



Maria Foscarinis  
Executive Director

**State Index on Youth Homelessness** In partnership with Cyndi Lauper and the True Colors Fund, we published a [State Index on Youth Homelessness](#)—a resource that evaluates all 50 states and the District of Columbia on their efforts to prevent and end youth homelessness. Along with the Index, we launched a campaign to empower the public to contact their governors to improve their state's efforts, and we'll update the Index annually to track progress and hold states accountable. See the State Index here: <https://truecolorsfund.org/index/>

**Bloom v. San Diego** We made progress this year in San Diego when a federal judge ordered San Diego police to temporarily stop ticketing homeless people living in their vehicles. We partnered with Disability Rights California and a pro bono team at Fish and Richardson to challenge the City's ordinance penalizing disabled homeless people who live in their cars—threatening them with fines, impoundment, and jail. Vehicle habitation is a growing issue as rising housing costs push more people to move into their cars, especially for people with disabilities who are on fixed incomes. [Read more from the Law Center in Bloomberg Businessweek.](#)

**Housing Not Handcuffs** The Housing Not Handcuffs Campaign continues to grow, reaching nearly 800 endorsements, including law enforcement and other city officials along with advocates. I published [an op-ed in the Huffington Post](#) with Sheriff John Tharp of Law Enforcement Action Partnership about decriminalizing homelessness and poverty.

**Panhandling Campaign** This year, the Campaign launched an initiative to strike down bans on panhandling across the nation. The Law Center, along with 18 partners in 12 states, sent letters to more than 240 communities with panhandling ordinances. The initiative built on a federal appeals court victory in the 7th Circuit that said that panhandling is speech protected by the First Amendment. Since August, 20 cities have repealed their ordinances and 34 cities have committed to review and amend or repeal their ordinances. [Learn more and join the Campaign here.](#)

These successes have only been possible because of your support. YOU are critical to our success, and these victories are your victories. Thank you for standing with us as we work together for a more just world. If you are able to support these efforts, [please do so here](#). No amount is too small—and your support is essential to help us prepare for the challenges ahead.

Thank you and best wishes for the holidays.

Maria



Maria Foscarinis  
Founder & Executive Director

**NEWS from the LAW CENTER**

## Law Center Supports Massive Coalition Effort on Proposed Public Charge Rule

On December 10, the Law Center joined the more than 210,000 commenters in submitting a [comment](#) opposing the proposed “[public charge rule](#)” that would prevent immigrant families from pursuing permanent legal residency if they or someone in their household legally uses assistance through certain federal programs including housing and nutrition programs. The Law Center served as co-lead for the Housing Sector of the [Protecting Immigrant Families](#) coalition, together with the [National Housing Law Project](#). With pro bono support from [Perkins Coie](#), the Law Center drafted a comment highlighting how the rule undermines the Administration’s own [Federal Strategic Plan to Prevent and End Homelessness](#), issued just a few months ago, which calls for an increased focus on preventing homelessness. Executive Director Maria Foscarinis stated, “We are conscious that we file our comment on December 10, [International Human Rights Day](#). Let us be clear: human rights and human needs do not disappear based on immigration status. Everyone needs a safe, secure place to live, nutritious food, and access to adequate health care. Keeping poor families out of housing and denying them food will only force them into deeper poverty and potential homelessness. This hurts them, their children and our communities.”



Programs that help families meet their basic needs are proven to make families and communities stronger and healthier. The [#PublicCharge](#) changes would turn these life-saving programs into weapons while driving up homelessness and poverty. [#ProtectFamilies](#):



## Victory for Domestic Violence Victim Facing Eviction

On December 5, the Iowa Court of Appeal protected the rights of a domestic violence survivor who faced eviction. The court issued a decision in [Agan v. Krambeck](#), adopting the position advocated by the Law Center in an amicus brief. The Iowa Right to Assistance Act protects people who summon emergency assistance from eviction or other penalties and preempts local crime nuisance ordinances. In this case, the landlord used a tenant’s call to police regarding domestic violence to ask a court for her eviction. The lower court initially determined that it was the responsibility of the domestic violence survivor to assist law enforcement and prosecutors in pressing charges. However, the brief discussed the intersections of housing and domestic violence, the justifications for the law, and why there is no requirement for the victim to proactively assist law enforcement after the incident. The Iowa Court of Appeal dismissed the eviction case, finding that the landlord had failed to give notice to the tenant about the law’s protections for people who report to law enforcement or seek protective orders. [ACLU of Iowa](#) and [Iowa Coalition Against Domestic Violence](#) led the drafting of the amicus brief, joined by the Law Center, [National Housing Law Project](#), [National Network to End Domestic Violence](#), and [Shriver Center](#).

## Syracuse Pursues Constructive Solutions to Panhandling

In August, Onondaga County Legislator Ryan McMahon proposed a law against aggressive panhandling and Syracuse Mayor Ben Walsh expressed support for the law. However, after extensive meetings with social services providers and advocates, including Law Center Legislative Director Eric Tars, they have decided to stop pursuing the criminalization of homelessness and instead offer more constructive, long-term solutions. On December 12<sup>th</sup>, officials announced a \$200,000 pilot program to provide people who are panhandling with day-labor jobs. Through the pilot program, up to eight individuals will be offered transportation to work sites three days a week. The aim of the program is to provide connections to healthcare services or drug treatment in addition to wages. The Law Center will work with the City of Syracuse to gather data on the program's effectiveness and possibly promote it in other places.

## DC Fare Evasion Has Been Decriminalized

On December 5<sup>th</sup>, the D.C. City Council voted to decriminalize failure to pay for Metrorail and bus fare and lowered the fine to \$50. Previously, failure to pay for a Metrorail or bus ride could result in arrest, jail time, and a fine of up to \$300. These policies disproportionately affected poor and homeless people, particularly people of color. These harsh penalties would result in a criminal record, which makes it extremely hard to access social services and even more difficult to escape homelessness and poverty.



Let's be clear: Fare evasion enforcement is racist. This [@WashLaw4CR](#) report shows 91% of those stopped are Black. To ignore this fact is to ignore the reality of policing in #DC. [washlaw.org/pdf/2018\\_09\\_13](http://washlaw.org/pdf/2018_09_13) ... #ItsNotFare

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## City of Durango Ceases Enforcement of Camping Ban Amidst Pressure from Law Center & ACLU

On Wednesday, December 12, the Law Center partnered with the ACLU of Colorado to host an informal dinner and discussion on homelessness. The room was packed with community members, people experiencing homelessness, city officials, and members of law enforcement. The discussion was around Durango's response to homeless encampments. In August, the city of Durango discontinued its only sanctioned encampment; the Law Center and ACLU pressured the city to cease its enforcement of its camping ban in certain public places. The city agreed to cease enforcement between sunrise and sunset. However, according to a [report released by the ACLU and the Law Center](#), this temporary moratorium is "insufficient to meet the City's legal and humanitarian obligations to unhoused residents," in particular those with disabilities, who need a non-temporary place to camp. Law Center Senior Attorney Tristia Bauman said: "Housing is the solution to homelessness. It is ultimately cheaper and more effective than any other policy approach. Rather than stretch local law to minimally comport with the constitution, we call upon the city to chart a more compassionate, and effective approach to homelessness."



## Events

### **Law Center Partners with Duane Morris on Human Rights Continuing Legal Education**

More than 75 [Duane Morris](#) partners and associates joined a continuing legal education (CLE) course on [international human rights advocacy](#) presented by Law Center Legal Director Eric Tars. Eric discussed the Law Center's use of human rights as an effective component of its advocacy, gave a brief overview of some key UN human rights mechanisms and standards, and discussed upcoming opportunities to highlight domestic issues in the human rights framework. The Law Center is happy to partner with law firms on similar CLEs on other legal, policy, or advocacy issues; please send inquiries to [etars@nlchp.org](mailto:etars@nlchp.org).

## NLCHP in the Media

**ACLU Colorado (12/12/18)** [A Year Without Sleep – ACLU & NLCHP Report Finds Durango has Criminalized Sleep for Homeless Residents](#)

**Durango Herald (12/12/18)** [Housing Needed to Solve Homelessness, Advocate Says](#)

**Westword (12/12/18)** [ACLU of Colorado Blasts Durango for Keeping Homeless From Sleeping](#)

**Black Press USA (12/11/18)** [PRESS ROOM: Public Charge Rule Undermines Human Rights, Harms Families and Communities](#)

**The Gazette (12/10/18)** [Colorado Springs Considers Banning RVs from City Streets, Raising Concerns Among Homeless Advocates](#)

**AZ Central (12/10/18)** [Can homeless sleep on the streets? Phoenix area cities are rethinking bans](#)

**Open Minds (12/9/18)** [Washington, Massachusetts & Connecticut Best At Preventing Youth Homelessness; Alabama, South Carolina, Wyoming & Arkansas Rank Worst](#)

**Delaware Public Media (12/6/18)** [City of Wilmington Likely Faces Legal Challenge Over Panhandling Procedures](#)

**Chicago Sun Times (12/6/18)** [Ban on Pushy Panhandlers Quietly Repealed: ‘This is an Important Victory’](#)

**Redskins (12/6/18)** [Vernon Davis Named Washington Redskins Nominee For Walter Payton NFL Man Of The Year Award](#)

**Delaware Online (12/5/2018)** [Loitering, Panhandling Can Get you Banned From Wilmington](#)

**Las Cruces Sun News (12/5/18)** [Tents to Rents Helps Las Cruces Homeless Move Into Permanent Housing](#)

**Honolulu Civil Beat (12/5/18)** [Islandwide Homeless Restrictions Approved — But Are They Legal?](#)

**Minneapolis Star Tribune (12/1/18)** [Dozens at Large Minneapolis Homeless Camp Find Housing Ahead of Deadline](#)

**Houston Chronicle (11/30/18)** [Anti-Panhandling Efforts in Uptown Draw Support, Criticism](#)

**The Durango Herald (11/30/18)** [Groups Take Aim at Durango’s Proposed Camping Rules](#)

**The Argonaut (11/28/18)** [A Win for Homeless Kids](#)

**Governing (11/28/18)** [A Potential Turning Point in How Cities Treat the Homeless](#)

**Koin6 (11/28/18)** [Lincoln HS Grad Dedicates Life to Helping Homeless](#)

**CityBeat (11/26/18)** [Cincinnati’s Tent City Fight is Part of Larger National Debate](#)

## 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.

[www.nlchp.org](http://www.nlchp.org)