

IN JUST TIMES

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NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



Changing Laws, Changing Lives

January 2019



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Dear Friends—

I hope you are all having a good start to the New Year. My wish is for health and happiness and, especially, a safe and secure home for all.

Even though the government has reopened (for now), hundreds of thousands of federal workers will continue struggling to catch up on bills and may be faced with homelessness. The [shutdown](#) has made it all the more clear that homelessness, and the affordable housing crisis driving it, affects us all. [Vulnerable populations have been hit hardest by the shutdown](#). Disrupted funding to homelessness service organizations, federal housing assistance, food assistance, and healthcare has already [taken a toll](#) even if the shutdown ended.



Maria Foscarinis
Executive Director

At the Law Center we are redoubling our efforts to address and prepare for the growing crisis. It's critical to stop a new wave of homelessness—and also to inform at-risk people of rights and resources available to them. [Please support us](#) in whatever way you can as we take on this new challenge.

This emerging crisis only adds to already overwhelming existing needs, and our ambitious agenda for 2019. Our plan for the coming year is to:

--Build on our federal appeals court victory in [Martin v. Boise](#) to reverse more laws and policies criminalizing homelessness in the nine states covered by the Ninth Circuit ruling and beyond—and push for housing-based alternatives instead

-- Strengthen housing rights for homeless and at risk people towards our goal of realizing the human right to housing here in the US, by building on our state and local successes

--Build on our successes in strengthening federal protections for homeless children's education rights by ensuring implementation at the state and local levels

--Use our new 50 State Index on Youth Homelessness and Campaign to reform state laws to remove barriers and promote solutions

To do this work, we will continue to support our partners and build our networks, including the [Housing Not Handcuffs Campaign](#). Collaboration is critical to our success, and I hope you will support us in the new year in whatever way you can, including [endorsing the campaign](#), making a [one-time donation](#), or signing up as a monthly donor.

Thank you for your support.

Maria



Maria Foscarinis
Founder & Executive Director

NEWS from the LAW CENTER

Law Center Raises Criminalization of Homelessness with U.N. Human Rights Committee

On January 14, the Law Center led a joint submission to the [U.N. Human Rights Committee](#), raising the continued growth of the criminalization of homelessness as a human rights violation in the U.S.

The submission will support the Committee in its upcoming March session, as it works to develop a "List of Issues Prior to Review" for the U.S.'s potential 2020 review under the [International Covenant on Civil and Political Rights](#), a treaty ratified by the U.S. in 1992.

U.S. compliance with the International Covenant on Civil & Political Rights was last reviewed by the Committee in 2014, where, after similar advocacy, the Committee stated in its Concluding Observations:

...[T]he Committee is concerned about reports of criminalization of people living on the street for everyday activities such as eating, sleeping, sitting in particular areas, etc. The Committee notes that such criminalization raises concerns of discrimination and cruel, inhuman or degrading treatmentThe State party should engage with state and local authorities to: . . . [a]bolish the laws and policies criminalizing homelessness[;] ... and [o]ffer incentives for decriminalization and the implementation of such solutions . . .

This observation and related advocacy were critical in getting the Department of Justice to submit its [statement of interest brief](#) in *Bell v. Boise* calling criminalization cruel and unusual punishment and the Department of Housing & Urban Development to implement [funding incentives](#) for communities that take steps to end criminalization. However, criminalization continues to grow, so the submission calls on the Committee to follow up with the government on progress and to make additional recommendations to ensure reversal of this dangerous trend.

The Law Center was joined on the submission by the [Coalition on Homelessness of San Francisco](#), [Global Initiative on Economic, Social, and Cultural Rights](#), [Legal Aid Foundation of Los Angeles](#), [National Health Care for the Homeless Council](#), [Public Interest Law Project](#), [Sacramento Regional Coalition to End Homelessness](#), and [Southern Legal Counsel](#), and received pro bono assistance from Dechert LLP.

The Committee will finalize its List of Issues at the end of its March session, and will set a time for the U.S. to file its reply. However, the U.S. is already overdue in filing its reports to the UN [Committee on the Elimination of Racial Discrimination](#) which were due in November 2017, and to the [UN Committee Against Torture](#) which were due in November 2018. Advocates should call on the government to comply with all of its human rights treaty reporting obligations.

A Know Your Rights Toolkit for Families who Lack Stable Housing

The Law Center, through a generous grant from the Ralph Ogden Foundation, recently released two toolkits for homeless families and unaccompanied homeless youth that address the education rights and appeals process for students experiencing homelessness. Under the McKinney-Vento Homeless Assistance Act, students experiencing homelessness have many rights, including the right to stay in their original school district, to enroll without cumbersome paperwork in a new school where they are staying, to access school services to help them stay in school, and to receive free transportation back to their original school district. These easy-to-read guides are available now: find the [Federal edition here](#), and the [New York edition here](#).

Overview of the Law Center's Case Docket

The Law Center is involved in impact litigation across the nation, working to improve the lives of people experiencing homelessness while ultimately working toward housing for all. Below are highlights of the currently open cases.

Martin v. City of Boise (formerly Bell v. City of Boise)

The *Martin v. City of Boise* case has had significant impact across the United States, particularly in the western states. The Law Center, Idaho Legal Services, Inc., and pro bono partner Latham & Watkins have been litigating this case for almost a decade, and last September major progress was made when the United States Court of Appeals for the Ninth Circuit ruled that it is cruel and unusual punishment to criminalize the simple act of sleeping outside on public property when no alternative adequate shelter exists. Boise has requested a rehearing on the ruling, but in the meantime, dozens of cities have already repealed or stopped enforcing their anti-camping laws.

Bloom v. City of San Diego

Often when someone loses their home, they take shelter in their vehicle. A vehicle may provide benefits that a shelter does not, such as independence from prohibitive rules and curfews or a place to store belongings. And for people with disabilities, shelters can be inadequate for many reasons such as cleanliness, access to medication, proximity to others, and more. However, the City of San Diego was ticketing people who sought shelter in their vehicles. The Law Center along with Disability Rights California, Bonnet Fairbourn & Balint, Dreher Law Firm, and pro bono partner Fish & Richardson, filed a lawsuit in 2017 against the City of San Diego for violating the rights of people experiencing homelessness who choose to seek shelter in their vehicles.

Boyle v. City of Puyallup et al

On September 14, 2018, six homeless plaintiffs sued the City of Puyallup, Washington, and Pierce County for destruction of their property during sweeps of their outdoor encampments. The plaintiffs are represented by the Law Center and Perkins Coie. The complaint alleges that the City and County violated Plaintiffs' Fourth Amendment right to be free from unreasonable interference with their property interests, and their Fourteenth Amendment right to due process. The Law Center, with support of Perkins Coie, later amended the complaint to include a violation of plaintiff's right to privacy under the Washington State constitution.

Kohr v. City of Houston

On May 12, 2017, three named plaintiffs and a putative class of unsheltered homeless individuals filed suit against the City of Houston in the Southern District of Texas. Plaintiffs are represented by the Law Center, the ACLU of Texas, and pro bono partner, Dechert LLP. The complaint challenges Houston's anti-camping and anti-panhandling ordinances, and alleges that the City violated Plaintiffs' First Amendment right to free speech, Fourth Amendment right against unreasonable

searches and seizures, Eighth Amendment right against cruel and unusual punishment, and Fourteenth Amendment right to protection against vagueness.

NLCHP et. al. v. Greensboro

In August 2018, on behalf of three Greensboro, North Carolina, citizens, the Law Center, together with the ACLU of North Carolina and Legal Aid of North Carolina, filed suit against the City of Greensboro for an ordinance to restrict panhandling. The City eventually relented and repealed the ordinance and now the Law Center and partners are pushing for retrospective damages and declaratory relief on behalf of the plaintiffs.

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The Law Center also provides support on a number of cases, including cases protecting the rights of Florida students experiencing homelessness, protecting the rights of people trying to survive outside to not have their encampments swept in Seattle, helping low-income renters maintain habitable housing, among other cases, all listed below.

Amici Curiae in Support of Appellants, *Citizens for Strong Schools v. Florida State Bd. of Educ.*, No. 1D16-2862 (Fla. Dist. Ct. App. 2016).

Amici Curiae in Support of Appellants, *Hooper v. City of Seattle*, Case No. C17-77RSM (U.S. District Court Western District Oct. 4, 2017).

Amici Curiae in Support of Appellants, *Kohner Properties v. Johnson*, No. SC 95944 (MO S.Ct. 2016).

Amici Curiae in Support of Appellants, *Manning et. al. v. Caldwell*, No. 17-1320 (4th Cir. 2017).

Amici Curiae in support of Plaintiffs Emergency Stay Request, *Orange County Catholic Worker, et al. v. Orange County, et al.* Case No. 8:18-cv-00155-DOC-(KESx) (C.D. Ca 2018).

Amici Curiae in Support of Plaintiffs' Motion for Preliminary Injunction and Summary Judgment, *Nat'l Fair Housing Alliance, et al. v. Carson, et al.* Case No. 1:18-cv-01076-BAH (D.D.C. 2018).



Events

Free webinar: Overview of Alone Without A Home, a State-by-State Review of Law Affecting Unaccompanied Youth

On February 13th, 2019, from 1pm-2pm ET, the Law Center and the National Network for Youth (NN4Y) will host a webinar to discuss the release and findings from their latest report, Alone Without a Home, A State-by-State Review of Laws Affecting Unaccompanied Youth. This report (which updates our 2012 report) reviews the state of current law in 13 key issue areas that affects the lives of unaccompanied youth experiencing homelessness.

Topics include status offenses, emancipation statutes, health care access, consent and confidentiality statutes, and juvenile justice system statutes. The report offers an overview of the range of approaches taken by jurisdictions and the relative prevalence of these approaches and includes detailed indexes where advocates can find the relevant laws in their state or jurisdiction. Importantly, the report also provides recommendations for policy changes in each of the 13 issue areas, with a view towards strengthening the supports available to unaccompanied youth. The report will be released the day of the webinar.

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