

# IN JUST TIMES

a publication of the

NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY



*Changing Laws, Changing Lives*

November 2016

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Dear Friends,

Last week, the Law Center released our latest [national report](#) on the criminalization of homelessness, which reviewed trends in 187 cities over the past ten years. Laws [criminalizing living in vehicles](#) have increased 147% over that period, more than any other category.

Other findings include a 69% increase in city-wide [bans on public “camping”](#) and a 52% increase in city-wide bans on sleeping in public. Criminalization is rising across the country at the same time that the crisis in affordable housing is deepening. In many cities, even emergency shelter is in short supply. Local leaders are under pressure to “do something” about homelessness, and increasingly they [turn to the criminal justice system](#).



Maria Foscarinis  
Executive Director

We know that criminalization doesn't work, and in fact is counterproductive, saddling people with criminal records that make it even harder to exit homelessness. Courts have struck down such [laws as unconstitutional](#), and the [U.S. Department of Justice agrees](#). Research shows that

criminalizing homelessness [costs more than ending it](#) through housing and services.

Media across the country is taking notice of the criminalization of homelessness, including a [story in the NYT](#) about our recent report and a piece in [Think Progress](#). For a full list of media coverage to date, please see the [media page](#) on our website.

Last week, together with over 100 organizations, the Law Center launched a new campaign for [Housing Not Handcuffs](#). Our goal is to redirect law and policy away from criminalizing homelessness, and towards housing homeless people. We're calling on policymakers at the federal, state and local levels to promote policies to increase access to housing, protect housing rights, and stop criminalization.

You can help by [endorsing the campaign](#), signing up for the HNH listserv here: [ways to get involved](#), and spreading the word through social media -- [Facebook](#) and [Twitter](#). Learn more about the campaign [here](#).

## Housing Not Handcuffs: New Campaign Initiative Looks to End the Criminalization of Homelessness



Photo Credit: [Pixabay](#)

Homelessness remains a national crisis, with millions of people homeless or at-risk - including at least **1.36 million homeless children** enrolled in U.S. public schools. Although many people experiencing homelessness have literally no choice but to live outside and in public places, laws and enforcement practices punishing the presence of visibly homeless people in public space continue to grow. To combat this trend, this month we launched the [Housing Not Handcuffs Campaign](#), together with over 100 allied organizations, to move communities away from ineffective, expensive, and often unconstitutional criminalization

strategies, toward housing solutions that work.

A key feature of the campaign launch is the **Law Center's latest national report** on the criminalization of homelessness, entitled, "[Housing Not Handcuffs: Ending the Criminalization of Homelessness.](#)"

**The report draws upon research that the Law Center has conducted since 2006 to present of laws criminalizing homelessness in 187 cities across the country.** This is the only national report of its kind and this data represents the most comprehensive analysis yet conducted by the Law Center of criminalization laws and local trends of enforcement.

Our data reveal that local governments continue to pursue criminalization strategies, and that such policies have dramatically increased over the past ten years. Laws prohibiting sleeping in public throughout an entire city have **increased by 31% since 2006**, and broadly written camping bans that prohibit sleeping or even merely preparing to sleep have risen by **69%** since that time. Most strikingly, laws prohibiting living in vehicles, which may be an impoverished person's last option for some shelter from the elements, have **increased by a whopping 143% since 2006.**

At the same time that local governments trend toward criminalization strategies, the federal government has mounted increased pressure to discourage local criminalization policies in favor of data-informed constructive alternatives. The U.S. Department of Justice, for example, condemned the criminalization of sleeping, when there are no places where that unavoidable activity may lawfully occur, as unconstitutional cruel and unusual punishment under the Eighth Amendment in its statement of interest brief filed in the Law Center's challenge to a camping ban in Boise, Idaho.

In addition to discussing why criminalization policies do not address the underlying causes of homelessness and waste precious tax dollars on policies that do not work, we also recommend constructive alternative policies that will sustainably end homelessness. These recommendations include strategies for eliminating the criminalization of homelessness and promoting the growth and accessibility of our nation's affordable housing stock.

**The Law Center will conduct a webinar highlighting our report findings on December 7 at 2 p.m. ET. Registration is free. Sign up [here](#).**

## **New Resources Available: Education for Homeless Children and Youth**

The Law Center's new [No Barriers](#) report provides key updates on changes made to the education program of the McKinney-Vento Assistance Act ("McKinney-Vento") by the Every Student Succeeds Act of 2015 ("ESSA"). Our report offers advocacy tools and compliance resources needed to effectively assist children, youth, and families experiencing homelessness and enforce and protect their education rights.

While changes to this federal law took effect just this October 1, it is clear that much work will need to be done to help school districts and states comply. The changes made by ESSA created additional legal obligations, but many schools across the country already struggled to comply with the law due to lack of capacity, ignorance, or active efforts to avoid their legal obligations, as our new [Homeless Students Count report](#) shows.

**It is critical for state and local educational agencies across the country to engage homeless advocates, students, and their families as necessary steps are taken to implement the law.** In order to fulfill McKinney-Vento's promise of equal access to free, appropriate public education, states and school districts should look closely at areas where they already struggled to comply prior to ESSA, particularly their funding, staffing capacity, monitoring protocols, technical assistance, school discipline policies and community ordinances that may criminalize homelessness, credit accrual policies, access to early childhood education, and privacy policies.

The Law Center will continue working with state and local educational agencies, federal and national partners, and other key stakeholders across the country to help implement McKinney-Vento. Stay tuned for more updates and resources.

## Now Available on Amazon: *Under the Bridge*

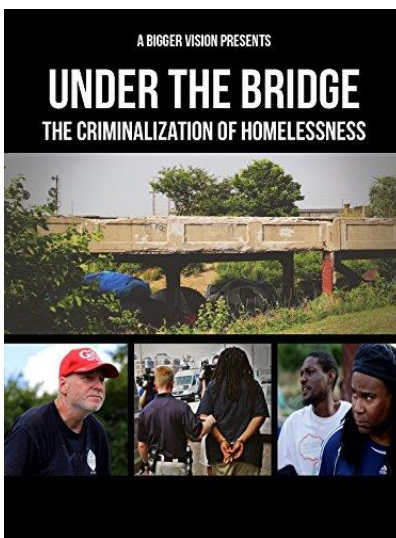


Photo Credit: A Bigger Vison Productions & Don Sawyer

Have you had the chance to view *Under the Bridge*? This documentary, from our partner Don Sawyer of A Bigger Vision Productions, is now available to view on [Amazon](#). *Under the Bridge* chronicles the lives of homeless individuals who reside in tent cities within Indianapolis, and reveals the criminalization they face due to their homelessness status.

We encourage you to view this poignant documentary and to help spread the word by liking their official Facebook [page](#)!

You may watch the official trailer for *Under the Bridge: The Criminalization of Homelessness* [here](#).

## Shop For a Cause! Support the Law Center With AmazonSmile

Have you started your holiday shopping yet? This holiday season we encourage you to shop at [smile.amazon.com](https://smile.amazon.com) where you can shop with a cause! When shopping with AmazonSmile to find your holiday gifts and supplies, you can also help the National Law Center on Homelessness & Poverty.

You can sign up for AmazonSmile by going to [Amazon.com](https://Amazon.com). When you shop with AmazonSmile, the AmazonSmile Foundation will donate 0.5% of the purchase price of all eligible products you purchase to the charitable organization of your choice.

This holiday season, as you buy holiday gifts for your loved ones, we ask for your support to help fight homelessness and poverty by selecting the National Law Center on Homelessness & Poverty as your charitable organization to receive donations from eligible purchase on Amazon.

### 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)