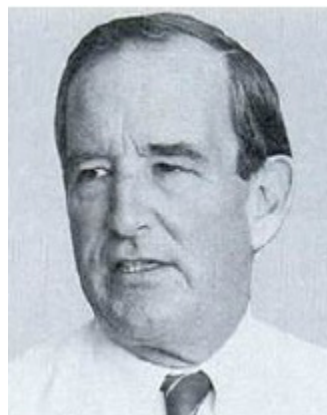




20 ANNUAL 16 REPORT

HOUSING
NOT HANDCUFFS

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



Our VISION

Our vision is for an end to homelessness in America. A home for every family and individual will be the norm and not the exception; a right and not a privilege.

Our MISSION

The National Law Center on Homelessness & Poverty is the only national legal advocacy organization dedicated solely to using the power of the law to prevent and end homelessness. We carry out work in communities across the country to serve America's more than 3.5 million homeless people. With the support of an extensive network of pro bono lawyers, we use our legal expertise to help pass, implement and enforce laws addressing the immediate and long-term needs of those who are homeless or at risk. In partnership with state and local advocates, we work toward strengthening the social safety net through advocacy and advocacy training, public education, and impact litigation.

Our HISTORY

The Law Center sprang from the experiences and vision of one woman, our Founder and Executive Director Maria Foscarinis, who recognized how the power of law could be brought to bear to prevent and end homelessness.

Early in her legal career while at Sullivan & Cromwell, Maria won a federal court class action suit on behalf of homeless families. Moved by the increasing numbers of homeless individuals and families and motivated by the difference that access to justice can make, Maria devoted herself full-time in 1985 to the fight to end homelessness.

This fight won a significant victory in 1987 with the enactment of the McKinney-Vento Homeless Assistance Act, the first major federal legislation to address the problem, as a result of advocacy led by Maria and others.

In 1989, Maria founded the National Law Center on Homelessness & Poverty to catalyze efforts of homelessness advocates and allies at the national, state, and local levels.

MESSAGE from Our Founder & Executive Director and the Chair of the Board of Directors

Dear Friends:

As we look back at the past year, we at the National Law Center on Homelessness & Poverty feel heartened by the terrific progress we have made on behalf of homeless children, individuals and families, as well as those at risk for homelessness.

We are also preparing for the challenges we are already facing—and more on the horizon.

In 2016, we won important positive shifts in policies and laws at the national, state, and local levels.

We persuaded more and more federal agencies, cities and states around the country, homeless advocates, pro bono law firms, and legal experts to join forces with us. Together, we are working both to address the root causes of homelessness – lack of affordable housing and insufficient protections that keep people in their home – and to safeguard the civil rights and dignity of those who are homeless. Together, we are fighting the trend of criminalizing homelessness – shifting homeless individuals into the criminal justice system for life-sustaining activities such as sleeping – instead of helping them to access housing.

We won new federal policies protecting the rights of homeless people, including children and youth, and expanding the housing rights of those at risk of homelessness.

We began seeing results from these victories as we and our allies activated change at the state and local level. Our advocacy prevented or struck down 10 laws criminalizing homelessness and persuaded five communities to adopt policies protecting housing rights.

These victories represent a new recognition that housing homeless individuals and protecting their rights simply makes sense – from economic, legal, and human rights viewpoints.

In 2016, the Law Center catalyzed this momentum to launch the Housing Not Handcuffs Campaign, with its more than 100 initiating national, state, and local organizations and activists. The Campaign is a national collaboration to shift policies at the local, state, and national levels away from the criminalization of homelessness and toward productive, housing-based solutions. We plan significant impact both nationally and in at least 30 communities throughout the country by the end of 2018.

Our accomplishments are due in no small part to widespread and diverse support from many, many partners and allies. Our peer national nonprofit organizations, federal government agencies, city and state entities, grassroots groups, law firms and legal experts, philanthropic funders and donors all have put their shoulder to the wheel with us and have been a critical part in this year's accomplishments. Twenty-six law firms and organizations devoted nearly 6,500 hours in pro bono legal research, litigation strategies, and direct legal advice on 35 projects. Thousands of advocates participated in the Law Center's trainings, presentations and publications.

We are deeply grateful for their moral support, financial contributions, knowledge of the law and policy, and networks.

We also thank our Board of Directors whose vision and commitment make our organization extraordinarily effective. We appreciate our staff whose dedication and energy bring our mission to life every day and whose good humor and fellowship make the Law Center a wonderful place to work.

In this report, we look back on the accomplishments of our three main programs centered on protecting the civil rights of people experiencing homelessness, promoting the right to housing, and advocating for the rights of homeless children.

As we look forward, we invite you to join us. We feel energized by the challenges we know we will face. Homelessness remains an urgent national crisis that disproportionately affects people of color, mentally and physically disabled persons, and LGBT youth.

We will strive to ensure that the advancements we have made are not rolled back or undermined, and to move toward a future in which a home for every family and individual will be the norm and not the exception; a right and not a privilege.

We will continue to speak out and take action. Our collective voices will be far greater than one of us alone.

Thank you for being part of our vision and work.

Sincerely,



Maria Foscarinis

Maria Foscarinis
Executive Director & Founder



Edward R. McNicholas

Edward R. McNicholas
Chair of the Board of Directors

PROTECTING the Civil Rights of People Experiencing Homelessness

The Law Center’s Housing Not Handcuffs Campaign provides the framework of our efforts to protect the basic civil and human rights of homeless persons on two fronts:

- 1) fighting against the criminalization of homelessness; and
- 2) advocating for housing-based solutions.

Culminating months of planning, the Law Center launched the Campaign in November in collaboration with more than 100 initiating organizations and individuals. These diverse allies — advocates for homelessness and housing, criminal and juvenile issues, justice, and education — will bring to bear their local- and national-level activism, expertise, and networks.

The Campaign has developed model policies that, if enacted at the federal, state, and local level, would significantly reduce homelessness in a way that is cost-effective and supports the civil rights and human dignity of people experiencing homelessness.

HOUSING NOT HANDCUFFS

The Law Center’s November 2016 report, *Housing Not Handcuffs*, reveals the urgent need for our work. Data from 187 cities across the country revealed dramatic increases in the criminalization of homelessness. Over the past 10 years, city wide bans on loitering, loafing, and vagrancy increased by 88%, and bans on living in vehicles increased by 143%.

The national prevalence of these laws against individuals and families living unhoused are indicative of public policy that would rather punish than assist people experiencing hardships. Moreover, these laws and policies violate constitutional rights, create arrest records, and fines and fees that stand in the way of homeless people getting jobs or housing, waste taxpayer dollars, and don’t help eliminate or address the root causes of homelessness.

The Law Center thanks the 100+ key leaders – attorneys, advocates, government representatives, funders, and formerly homeless individuals – who participated in our National Forum on the Human Right to Housing in June in Washington, D.C., and whose input was invaluable in developing priorities and strategies for the “Housing Not Handcuffs” Campaign.

State and Local Advocacy

At the state and local levels, the Law Center won victories striking down and/or preventing criminalizing policies and practices in cities including Denver, Colorado; Miami and Tampa, Florida; Chicago, Illinois; Akron, Toledo, Dayton, Fairlawn and Youngstown, Ohio; Warwick and Cranston, Rhode Island; Everett and North Bend, Washington; and Madison, Wisconsin. The Law Center worked in partnership with local advocates and pro bono volunteers, providing legal strategy and expertise.

Federal Advocacy

The Law Center developed alliances with the U.S. Department of Justice, U.S. Department of Housing and Urban Development (HUD); U.S. Interagency Council on Homelessness (USICH); the U.S. Department of Education (DOE); and the White House. Each of these entities responded to the Law Center’s call for systemic reforms:

- DOJ issued several statements and guidance protecting low income and homeless persons from unfair treatment inside and outside of the criminal justice system.
- HUD increased funding incentives for communities working to end the criminalization of homelessness. The agency also issued guidance preventing discrimination that has kept homeless people from accessing public housing and has prevented domestic violence survivors and transgender people from being housed.
- USICH prioritized the criminalization of homelessness and published a fact sheet on the intersections between homelessness and criminal justice system.
- DOE’s guidance on the Every Student Succeeds Act (ESSA) included information on criminalization of homelessness and school discipline related to homelessness.
- The White House launched the Data Driven Justice Initiative (DDJI), with the Law Center as an official provider of technical assistance to the bipartisan coalition of 67 city, county, and state governments that have committed to using data-driven strategies to divert low-level offenders with mental illness out of the criminal justice system and change approaches to pre-trial incarceration. This work continues independent of the White House following the November 2016 election.

State and Local Housing-Based Solutions

The Law Center helped to generate momentum in numerous cities and states that are developing policies and laws endorsing and protecting the right to housing. Working at local or state levels allowed the Law Center's work to have an immediate impact in communities.

Indianapolis, Indiana became the first city in the country to enact a law that requires the local government to provide adequate housing alternatives before evicting homeless people from encampments. In Seattle, Washington, a similar bill was proposed for the first time. In Los Angeles, California, voters overwhelmingly approved Proposition HHH which authorized \$1.2 billion in bonds to pay for constructing 10,000 housing units for homeless people. In Yakima, Washington, Charleston, West Virginia, and San Diego, California, the Law Center also engaged in litigation preparation and legal advocacy, working toward court decisions recognizing some aspect of the right to housing.

Homeless Bills of Rights protecting the civil and human rights of homeless people were proposed statewide in California, Colorado, Delaware, and Florida. Supported by the Law Center's testimony, the Colorado bill received a close Committee vote, and the Delaware bill passed the State Senate Committee.

Protecting Civil Rights

In Wisconsin, a federal appeals court ruled that homeless individuals who have trouble obtaining identification under the state's voter ID law may vote by affidavit. This decision came in *Frank v. Walker*, a case filed by the Law Center and the American Civil Liberties Union on behalf of homeless people, low-income voters, and others. The right to vote is central to democracy, yet homeless individuals often encounter logistical and policy barriers to fulfilling this civic duty.

The Law Center's Founder & Executive Director Honored by the Prestigious 2016 Katharine and George Alexander Law Prize

The Law Center was gratified to have the efforts of our Founder and Executive Director, Maria Foscarinis, recognized with the 2016 Katharine and George Alexander Law Prize from Santa Clara University School of Law. The award honors top legal advocates who have used their careers to help alleviate injustice and inequity. The Prize is meant to instill in the public a higher regard for the legal profession, to inspire those within the legal profession, and recognize the good work of so many in the law.



PROMOTING the Right to Housing

Keeping people housed is the first step to preventing homelessness. Toward that end, the Law Center works on behalf of those who are particularly vulnerable – renters and domestic violence survivors. We also worked to increase access to surplus federal property for homeless service providers and promote the human right to housing.

Protecting Tenants' Rights

The Law Center's renters' rights efforts focused on protecting tenants from evictions with insufficient cause and from summary eviction in foreclosed properties. The Law Center supported "Just Cause" eviction bills in Boston, Massachusetts and in Oregon, with additional efforts in Florida, Virginia and California. On the federal level, we supported reintroduction of the Permanently Protecting Tenants in Foreclosed Properties Act (PPTFA) in the House and Senate.

STORY of IMPACT

CARMEN MASON and her children were able to stay in their home this year because of the new regulations protecting domestic violence survivors' access to housing secured through the advocacy of the Law Center. After being assaulted in her home and calling the police, Carmen Mason was threatened with eviction by the Public Housing Authority because of the "criminal activity" in her unit (of which she was the victim). With the assistance of Mid-Minnesota Legal Aid, eviction was avoided because of the protections provided by the Violence Against Women Act of 2013 (VAWA) and the regulations issued by HUD in 2016 that ensure that survivors of domestic violence are not denied their housing rights based on the actions of their abusers or the adverse effects that occur as a result. By avoiding eviction and a shelter stay, domestic violence survivors are able to meaningfully break the cycle provide children with security and stability.

Protecting Domestic Violence Victims

With domestic violence a leading cause of homelessness for women and their children, the Law Center continued to work with federal agencies to implement new housing rights we won as part of the Violence Against Women Act of 2013. We secured

strong new regulations from the U.S. Department of Housing and Urban Development and new protective guidelines from the U.S. Department of Agriculture.

Promoting Access to Federal Property for Homeless Services

Homeless service providers nationwide will benefit from the Federal Assets Sale and Transfer Act of 2016 (FAST Act), which improves service providers' access to surplus federal property for the purposes of providing services and/or permanent housing to homeless people. The Law Center worked with a coalition in Congress to leverage bipartisan support. The Law Center also provided expert assistance to help providers navigate the complex law to apply for property under the program. Assisted by the Law Center, the City of Washington, D.C. was approved in late 2016 to acquire a vacant federal property.

To date, federal surplus properties – over 500 buildings and nearly 900 acres of land – have been transferred to homeless service organizations in over 30 states to provide meals, emergency shelter, medical care, food banks, job training programs, and other services to over 2 million people each year.

Promoting the Human Right to Housing

The Law Center's annual Human Right to Housing Report Card gave the federal government an overall grade of "D" for its response to homelessness when compared to international human rights standards. While the report highlights several positive actions by the White House and the U.S. Departments of Housing & Urban Development, Justice, and Education, Congress' and the Administration's failure to address the housing affordability crisis offsets many of these gains. Currently, only 1 in 4 of households poor enough to qualify for federal housing assistance actually receives it due to lack of funding. The Law Center promotes understanding of these higher human rights standards by U.S. advocates, policymakers, and the broader public, with the goal of moving our country closer to meeting them.

The United Nations Committee Against Torture, prompted by a report submitted by the Law Center, asked the United States to "describe any measures adopted to abolish the laws and policies criminalizing homelessness at state and local levels" in its report 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.

ADVOCATING for the Rights of Homeless Children

Continuity of education during homelessness is vital not only for children’s mental and emotional health in the short-term, but also because childhood homelessness is a strong predictor of adult homelessness.

Despite federal protections, homeless children’s rights are often violated, sometimes simply due to ignorance and sometimes due to lack of specific policies and procedures, leaving children and their families unprotected.

During 2016, the Law Center provided extensive input into the U.S. Department of Education’s *ESSA Homeless Children and Youth Guidance*, used by states and school districts to implement the Every Student Succeeds Act of 2015 (ESSA), reauthorizing the McKinney-Vento Act’s Education for Homeless Children and Youth program. Our input was instrumental in clarifying homeless students’ rights to education, outlining school policies related to disputes over student eligibility and access to education, and ensuring that homeless students are not penalized by state or local laws and policies criminalizing homelessness.

Our additional contributions to the U.S. Department of Education’s *ESSA Homeless Children and Youth Guidance* are helping to protect students from criminalization laws and policies and enforce their access to adequate and appropriate transportation.

State and local education associations and children’s advocates are benefiting from the second edition of the Law Center’s report, *No Barriers: A Legal Advocate’s Guide to Ensuring Compliance with the Education Program of the McKinney-Vento Act*, released in October 2016. This Guide addresses the new ESSA guidelines and reinforces best practices in assisting homeless children and youth to access school.

Presentations, trainings, and direct technical assistance in states around the country – from North Carolina to California – reached thousands of state coordinators, homeless liaisons, and national, state, and local allies, helping homeless students to stay in their school of origin.

Key to these accomplishments was the Law Center’s Project LEARN (Lawyers’ Education Advocacy Resource Network), a group of 30+ representatives of local legal services and legal aid lawyers, non-attorney advocates, and service providers initiated and coordinated by the Law Center to provide on-the-ground perspectives and advocacy.



The Law Center’s efforts are changing the lives of the estimated 1.5 million young students experiencing homelessness in America each year, helping them on a path toward breaking the cycle of homelessness and poverty.

STORY of IMPACT

ANGELA SPENCER, and her nine-year-old son, Amaron, became homeless when Angela was furloughed from her full-time job and lost her home to foreclosure. In addition to the hardship of losing his home, Amaron almost had to face the loss of his school. Claiming that Amaron was no longer a resident of the district because he was homeless, his school district repeatedly unenrolled him—in violation of federal law. With the help of the Law Center and our teamwork with a local attorney in Texas, Angela was able to re-enroll Amaron in school. Today, Angela and her son are no longer homeless, and Amaron is thriving—and has a chance for a better future.

PARTNERSHIPS

The Law Center’s accomplishments are not ours alone. We could not achieve our successes without the support of our partners, allies, and supporters.

Pro bono partnerships with law firms and corporate legal departments are critical to our work, greatly expanding our capacity. We are honored that these law firms, in house legal departments, their attorneys and staff share our belief that everyone should have equal access to justice and opportunity, and that they stand by their values through their work with us.

During 2016, 26 law firms and corporate legal departments devoted nearly 6,500 hours in pro bono legal research, litigation strategies, and direct legal advice on 35 projects, valued at an estimated \$3.9 million – more than tripling the Law Center’s lean budget.

And for this, we are sincerely grateful.

Project LEARN (Lawyers Education Access Resource Network) We particularly acknowledge those legal aid services, civil rights organizations, homeless and children’s advocates, educators, institutions, and service providers that are members of Project LEARN. Supported by the Law Center’s trainings and strategic support, Project LEARN advocates for the education rights of homeless children as guaranteed in the McKinney-Vento Homeless Assistance Act. Members include:

- Building Changes
- Chicago Coalition for the Homeless
- Columbia Legal Services
- Disability Rights TN
- Education Law Center – New Jersey
- Education Law Center – Pennsylvania
- Florida Legal Services, Inc.
- Greater Hartford Legal Aid
- Legal Aid of North Carolina
- Legal Aid of Northwest Texas
- Legal Services for Children
- Legal Services of Eastern Missouri
- Long Island Advocacy Center
- Massachusetts Advocates for Children
- Nebraska Appleseed
- NYCLU
- Oregon Law Center
- Public Justice Center
- TeamChild
- Texas RioGrande Legal Aid, Inc.
- Texas State University



Seventeen of the Law Center’s friends that offer pro bono legal collaboration are members of the Lawyers Executive Advisory Partners (LEAP), which also provides critical financial assistance.

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In October 2016, the Law Center and Simpson Thacher & Bartlett LLP honored **ERIC H. HOLDER, JR.** with the **OUTSTANDING ACHIEVEMENT AWARD** at the LEAP Luncheon. Now a partner at Covington & Burling LLP, Mr. Holder served as the 82nd Attorney General of the United States from 2009-15 under President Barack Obama. He was the first African American to serve in that position. His leadership in reform of the federal criminal justice system has contributed to ameliorating policies that target the criminalization of poor and homeless people. Mr. Holder has been a champion of addressing “vicious cycle” of poverty, crime, and imprisonment in poor communities.



Pictured with honoree Eric Holder are Law Center Senior Attorney Tristia Bauman, our Founder Maria Foscarinis, and Law Center Deputy Director Janet Hostetler.



Senator Collins receives the award from Steve Judge, Law Center Board Member and former legislative director for Bruce Vento.

2016 MCKINNEY-VENTO AWARDS

The annual McKinney-Vento Awards recognize leaders who have advanced solutions to end and prevent homelessness. The Law Center was joined at the 18th annual Awards Ceremony in September 2016 by award-winning anchor and correspondent for CBS News and CBS Sports, Dana Jacobson, who served as the evening’s emcee.

The honorees were:

Bruce F. Vento Award

U.S. Senator Susan Collins (Maine) has been instrumental in several federal legislative efforts addressing youth homelessness and is a key bipartisan congressional legislator.

Under her leadership as the Chairman of the Senate Appropriations Subcommittee on Transportation, Housing, and Urban Development, and Related Agencies, the Senate passed the bipartisan appropriations bill that provides \$2.3 billion for Homeless Assistance Grants through the Department of Housing and Urban Development, of which \$40 million is dedicated for grants targeted to providing comprehensive and coordinated solutions to youth homelessness.

Senator Collins is the lead co-sponsor of the Runaway and Homeless Youth and Trafficking Prevention Act, which would reauthorize programs that help homeless youth obtain emergency shelter, crisis intervention services, long-term housing, education, and job training. She is also one of the lead sponsors of the Family Unification Modernization and Improvement Act, which would help ensure that families and foster youth who are experiencing or are at risk of homelessness have access to needed housing and supportive services.



Monumental Sports & Entertainment’s Ted Leonsis presents the award to Washington Wizards’ point guard John Wall.

Stewart B. McKinney Award

The Washington Wizards' John Wall is a noted philanthropist devoted to homeless and youth issues through the John Wall Family Foundation. A three-time NBA All Star, Mr. Wall also received the 2016 NBA Community Assist Award in recognition of his community engagement.

Founder, Chairman, Majority Owner, and Chief Executive Officer of Monumental Sports & Entertainment Ted Leonsis joined our event to honor Mr. Wall for his achievements.

Pro Bono Counsel Award

Dechert LLP was recognized for its unceasing support, leadership and dedication to the Law Center and our mission to end homelessness in America.

Dechert's pro bono work on *Frank v. Walker*, the Wisconsin voter ID case, helped protect the right to vote for thousands of homeless and poor people in Wisconsin. In a groundbreaking victory, and with Dechert's perseverance through multiple appeals, the United States District Court for the Eastern District of Wisconsin found Wisconsin's voter ID law unconstitutional, paving the way for people without the ability to obtain identification documents despite reasonable efforts — a major problem for many homeless people to exercise their right to vote.

Personal Achievement Award

Furloughed from her full-time position at a college in Texas, Angela Spencer faced the foreclosure of her home with grace and determination. With her son Amarion's future and special needs as her priority, Ms. Spencer and her attorney turned to the Law Center for help in securing his federal right to educational stability. Amarion, now 9 years old, is doing well in school and is passionate about playing football and basketball. Ms. Spencer is again employed full-time and has brought her family out of homelessness.



Dechert partner Neil Steiner accepts the award from Peter Thomas, chair of the Law Center's LEAP program



Angela Spencer and her son Amarion accept the award from the evening's emcee Dana Jacobson.

Thank You 2016 Donors!

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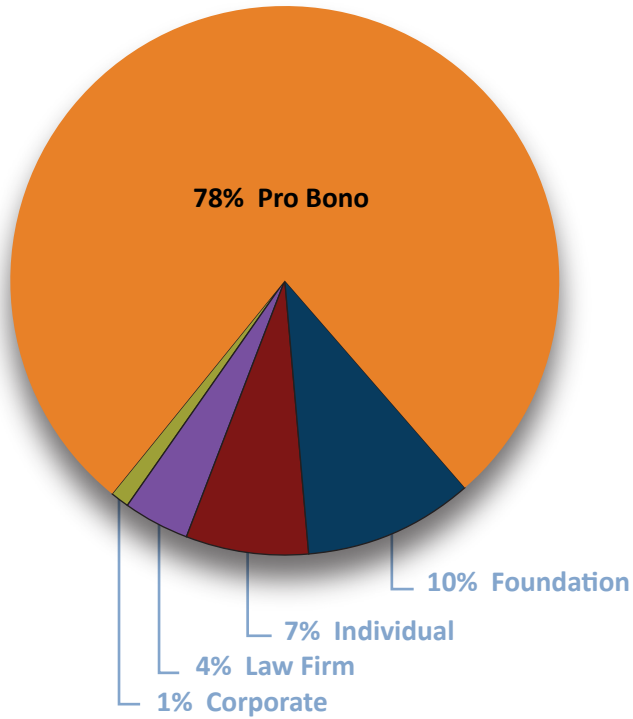
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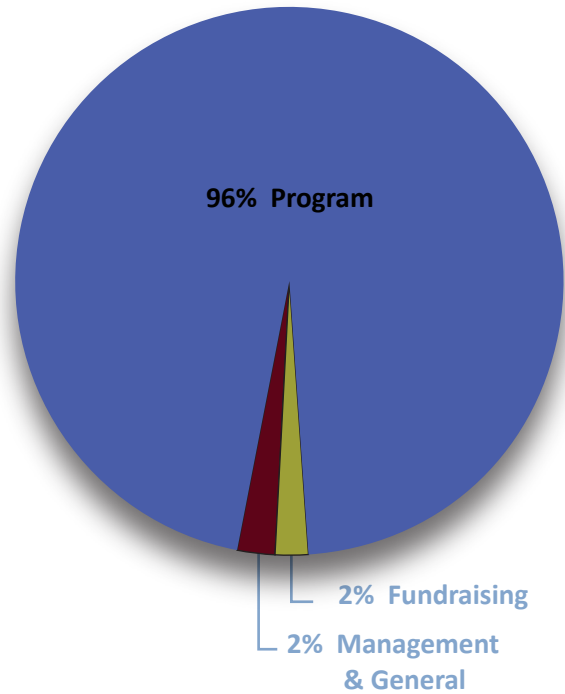
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