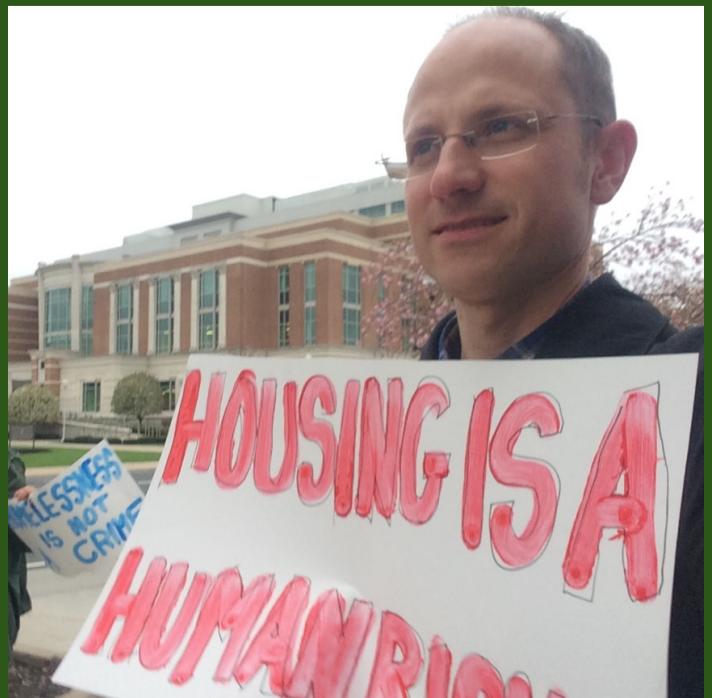




NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

2015 ANNUAL REPORT

Turning the Tide of Criminalization at the Federal Level





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 organization dedicated solely to using the power of the law to prevent and end homelessness in America. With the support of an extensive network of pro bono lawyers, we address the immediate and long-term needs of people who are experiencing homelessness or at risk through outreach and training, advocacy, impact litigation, and public education.



Our History

The Law Center sprang from the experiences and vision of one woman, 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,

We are honored to share with you the 2015 Annual Report of the National Law Center on Homelessness & Poverty.

The Law Center, along with our many partners and supporters, has worked tirelessly to advocate for the right to housing, protect the civil and human rights of homeless individuals, and provide a stable education for homeless children. We thank each and every one of you who has been by our side. Together, we celebrated many notable achievements during 2015.

We won paradigm-shifting changes in how this country – cities, states and federal agencies – addresses the needs and circumstances of homeless individuals and families.

Culminating years of effort by the Law Center and others, key federal agencies have taken a strong stand against the criminalization of homelessness – in court filings, new policy guidance to cities, and by using their funding power.

The significance of these new federal policies cannot be overstated: they are already affecting cities and states across the country. In 2015, together with a core group of allies, we worked to design a new campaign to build on our momentum. We will spearhead this campaign to fight against the criminalization of homelessness and for the human right to housing.

We won major victories protecting the rights of homeless children to a stable education. After years of advocacy, we won enactment of new legal protections for these children, as part of the Every Student Succeeds Act, to ensure their access to school and school services. The Law Center’s trainings and publications reached thousands of advocates who serve these children.

We also worked to keep families in their homes, particularly victims of domestic violence and tenants in foreclosed properties, and brought international pressure to bear on the U.S. government to recognize the human right to housing.

Media coverage of the Law Center’s efforts raised the visibility of our issues and educated and influenced decision makers, with coverage in outlets including the New York Times, the Los Angeles Times, the Washington Post, Upworthy, Huffington Post, NPR, NBC, and The Atlantic.

We appreciate all who have provided financial support, pro bono legal services, and moral support during 2015. Our accomplishments are yours as well.

Sincerely,

Maria Foscarinis
Executive Director & Founder

Edward McNicholas
Chair of the Board of Directors

Protecting the Civil Rights of People Experiencing Homelessness

Laws and practices that criminalize homelessness – by criminally punishing people for life sustaining activities in public places when no alternatives are available, punishing people for soliciting financial help in public places, and restricting people from offering food to needy persons – violate the civil and human rights of homeless individuals.

These laws and practices do not solve the problem of homelessness.

The Law Center works with our partners to challenge laws and actively promote constructive alternatives to these laws, such as housing and services.

In 2015, our work in cities, statewide and at the federal level culminated national attention devoted to the criminalization of homelessness, and resulted in many significant steps forward.

Federal Advocacy

At the federal level, 2015 was a tide-turning year on criminalization issues. As a result of the Law Center's advocacy with the U.S. Department of Housing and Urban Development (HUD), the agency's 2015 Notice of Funding Availability (NOFA) included a question on the criminalization of homelessness in local communities. A community's NOFA application affects the federal funding they receive for local programs such as housing and homeless services, and by including a criminalization question in the NOFA, HUD is leveraging its federal funding authority to de-incentivize local criminalization practices.

In August 2015, in response to our advocacy, the U.S. Department of Justice filed a statement of interest brief in our case challenging a law criminalizing public sleeping in Boise, Idaho. The filing garnered national media attention and influenced other cities to examine their own criminalization practices.

The Law Center helped influence the U.S. Interagency Council on Homelessness to make the criminalization of homelessness a key topic at its 2015 Principals Meeting, attended by numerous heads of federal agencies. In addition, in August 2015, USICH issued guidance to communities on homeless encampments, urging them not to forcibly evict people from them but to connect them to housing and services instead. The Law Center's work with USICH helped shape the content and is helping

local advocates use this guidance in ways that are already changing practices in some communities.

The Department of Justice Office of Community Oriented Policing Services (COPS) devoted its entire December 2015 newsletter to the criminalization of homelessness and providing constructive alternatives. This newsletter reaches thousands of police departments across the country.



STORY of IMPACT

JANET BELL became homeless more than ten years ago; she lost part of her left arm, and nearly her life from an infection obtained from living outside. She received her first of multiple citations simply for sitting on a riverbank. She, like most homeless people, couldn't afford to pay the tickets and eventually was arrested. Janet was one of the plaintiffs in the Law Center's law suit in Boise, ID, and along with Idaho Legal Aid Services and pro bono partner Latham & Watkins. We are fighting to protect them and many like Janet Bell from being criminally punished simply for being homeless. In August 2015, the Department of Justice filed a statement of interest brief supporting our position. After years of strategic advocacy, we are finally starting to see a change in the tide of criminalization of homelessness on the federal level.

"If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless."

- U.S. Department of Justice

"[I]ndividuals experiencing homelessness should be afforded the same dignity, compassion and respect provided to others, [but] criminalization policies further marginalize [them], fuel inflammatory attitudes, and may even unduly restrict constitutional liberties."

- U.S. Interagency Council on Homelessness & U.S. Department of Justice

The Start of a Campaign

On June 24-25, 2015 in Washington, DC, the Law Center held its National Forum on the Human Right to Housing, an invitation-only event that brought together close to 90 advocates, government representatives, formerly homeless individuals and others, representing 70 organizations from around the country. This diverse group developed a consensus resulting in a new campaign designed to fight against the criminalization of homelessness and for the human right to housing. This campaign will help to catalyze engagement with key players and outreach as we move forward.

State and Local Advocacy

The Law Center worked with advocates in California, Oregon, Colorado, and Hawaii on state-level Homeless Bills of Rights (which protect the civil and human rights of homeless people) and Right to Rest Act campaigns. In each of these locations, we offered feedback and expertise on legislative language, including potential legal ramifications, and advised on strategy. Although these bills were not passed, they helped lay the groundwork for the Law Center's continued work in these states. Advocacy in 2015 by the Law Center and its local allies scored a major victory at the city level. Indianapolis enacted precedent setting a new law that prevents evictions of homeless people from encampments unless alternative housing or shelter is provided.

In addition, the Law Center worked with advocates in Madison, Wisconsin to pass a measure to include homeless persons as a class, protected against discrimination under city law. In the District of Columbia, the Law Center is working on a legislative initiative to protect homeless persons from discrimination by adding housing status as a protected class under the District's Human Rights Act.

With the pro bono support of Latham & Watkins LLP, the Law Center continued to challenge an anti-camping ordinance in Boise, Idaho. This law unfairly punished homeless people for sleeping in public places, such as parks, even when local shelters are full and no other alternatives are available. The Law Center won a favorable appeals court ruling allowing the case to go to trial; the case returned to the lower court. The District Court subsequently ruled against us on narrow technical grounds. The Law Center appealed and is now in mediation; we are planning further strategy.

Also with pro bono support, the Law Center helped homeless residents and local advocates in Springfield, Illinois successfully challenge an anti-panhandling law in the 7th Circuit using new Supreme Court precedent on the First Amendment. The Springfield ruling was the first to apply the Supreme Court ruling to the panhandling context and led to an ongoing wave of harmful anti-panhandling laws being defeated around the country.

STORY of IMPACT

DON SAWYER, an Indianapolis advocate and filmmaker, asked the Law Center to support local advocacy efforts to prohibit discrimination against people experiencing homelessness. At the time, Don was co-producing *Under the Bridge: The Criminalization of Homelessness* and the Law Center facilitated several screenings in DC, including a discussion with the Departments of Justice and Housing & Urban Development. With support from the Law Center and the tools and contacts he received, Don's advocacy throughout 2015 led Indianapolis to pass a groundbreaking law in 2016 requiring the city to ensure adequate alternative housing is available before evicting homeless encampments and is working on creating more housing. Don let us know that "What the Law Center has done for the homeless community of Indianapolis is immeasurable."



Law Center staff members join the conversation at screening of *Under The Bridge*.

Promoting Access to Housing

Keeping people in their homes is the first step toward preventing homelessness. Those most vulnerable are often renters and domestic violence victims. Federal laws exist to ostensibly protect their housing rights and to allocate surplus federal properties for the benefit of homeless individuals, but these laws often need advocates to encourage their effective implementation – this is where the Law Center steps in. The Law Center works on policies that ensure everyone has access to housing.

Protecting Tenants at Foreclosure

Tenants living in foreclosed properties often are at risk of becoming homeless – but the 2009 Protecting Tenants at Foreclosure Act (PTFA) allows tenants living in foreclosed properties the right to stay in their homes for the duration of their lease, or for at least 90 days. While the PTFA sunset at the end of 2014, the Law Center continues to support efforts in Congress for its reinstatement. Additionally, the Law Center has begun laying the groundwork for a network of local-level advocates working on state and local legal protections for tenants living in foreclosed properties.

During 2015, the Law Center advocated for strong support at the state level, began to identify areas where tenants living in foreclosed properties still need legal protections enforced, and began networking with local-level advocates working on legal protections for tenants living in foreclosed properties.

In Florida, the Law Center mobilized and supported state and local organizations to advocate successfully for a new state law that provides legal protections to vulnerable renters. A similar law was enacted in North Carolina and another one was proposed in Missouri.

In addition, the Law Center trained attorneys and advocates from across the U.S. on the legal rights of renters living in foreclosed properties, and the need for increased legal protections at the state and national levels for vulnerable renters.

Protecting Housing Rights of Domestic Violence Survivors

The 2013 Violence Against Women Act, which the Law Center helped to shape, extends housing rights for over four million additional households of domestic violence survivors who live in public housing. In 2015, the Law Center advocated with HUD for strong regulations for implementing the new law and drafted joint comments in response to HUD's proposed rule. Gustavo Velasquez, Assistant Secretary for Fair Housing at HUD, personally called and thanked the Law Center. He said "I know that your group has been at the front line of the hard fought renewal in 2013 and I want to thank you for your leadership.



It's been very important that groups like yours support this proposed rule..."

The Law Center also joined an amicus brief to defend the civil rights and housing rights of domestic violence survivors to protect them from losing their housing due to the actions of their abuser.

Ensuring Compliance with the Federal Property Program

The Law Center worked to protect and improve Title V of the McKinney-Vento Homeless Assistance Act, which requires federal agencies to make unused properties available at no cost for use by homeless service providers. Title V was at risk of being severely cut back or even repealed as a result of federal property reform efforts by Congress. With pro bono assistance from Covington & Burling, the Law Center not only successfully protected the law but also secured support for improvements. The Law Center's work included presenting invited testimony before a U.S. Senate Committee. At the same time, the Law Center publicized the program and supported service providers in applying for available surplus federal properties.

Building Support for the Human Right to Housing

The Law Center works to shine a global light on homelessness in America in order to encourage federal agencies to meet international human rights standards.

In May 2015, the United Nations Human Rights Council reviewed the U.S. for compliance with its human rights obligations as part of the U.S.'s Universal Periodic Review (UPR). As a result of the Law Center's advocacy, the final UPR report included several recommendations related to housing and homelessness, and raised issues of broader criminalization and discrimination concerns. The Law Center is continuing to work with the U.S. government to ensure acceptance of each of the recommendations and steps taken toward implementation.

"The forced dispersal of people from encampment settings is not an appropriate solution or strategy."

- U.S. Interagency Council on Homelessness

Advocating for the Rights of Homeless Children

When a child becomes homeless, their life is in turmoil. The tragedy of homelessness is compounded if children lose the stability presented by remaining in their same school and the links to services offered there.

While provisions in the federal McKinney-Vento Act protect homeless children's rights to a stable education and free school meals, the Law Center takes action to ensure that this law is actually implemented.

In 2015, the Law Center launched a network, Project LEARN (Lawyers' Education Advocacy Resource Network), comprised of our contacts from legal aid services, civil rights organizations, homeless and children's advocates, educators, institutions and service providers in Illinois, Maryland, Missouri, Montana, New Jersey, New York, Pennsylvania, Texas, and Washington. This network serves as the Law Center's "eyes and ears on the ground," informing our efforts about activities occurring in key locations. To support this collaboration, we share information, strategies and resources to serve our common goal: keeping homeless children in school and helping their families to be housed once again.



Project LEARN and the Law Center celebrated a major victory when the Every Student Succeeds Act (ESSA) was signed into law on December 10, 2015, reauthorizing the Education for Homeless Children and Youth Program under the McKinney-Vento Homeless Assistance Act. Under ESSA, homeless children are assured of staying in school and programs serving them will have increased resources. ESSA includes important supports for homeless children that the Law Center and other advocates requested.

Another national-level achievement for the Law Center was a new federal policy to allow unaccompanied youth ages 21-24 who are homeless or at risk of being homeless to apply for financial aid. This important step helps to protect homeless children and youth's access to higher education.

The Law Center's trainings, materials, webinars and impact litigation positively affected millions of homeless children and youth across the country, and directly reached at least 250,000.

Thousands of homeless advocates are using the Law Center's new manual, *No Barriers: A Legal Advocate's Guide to Ensuring Compliance with the Education Program of the McKinney-Vento Act*, to assist homeless children, youth, and families dealing with barriers to enrolling, attending, participating, and staying in school.

Throughout the country, the Law Center networked with other advocates to identify and prioritize litigation and legal research that will have precedent-setting applications. The Law Center engaged in major impact litigation, *Citizens for Strong Schools, et al. v. State Bd. of Education* case, addressing homeless students' rights, specifically around their access to adequate education.

STORY of IMPACT

JACQUELINE LEWIS, a client of Mid Minnesota Legal Aid, had a Transitional Housing subsidy through the McKinney-Vento law and an Order for Protection (OFP) for herself and her children. Her abuser appeared at her doorway 3 days after his release from jail and assaulted her again. She was given notice to vacate or an eviction complaint would be filed against her and the police would be called based on the assault, claiming it as a disturbance. The abuser was arrested for assault and violation of OFP. Eviction from her apartment would result in termination for her family from her transitional housing program. An attorney at the Law Center's partner organization helped Jackie respond to the threat with assertion of the Violence Against Women's Act (VAWA) rights and the termination was withdrawn. This was only possible because of changes in VAWA that happened as a result of the Law Center's advocacy.

[We grant] "up to two points to Continuums of Care that demonstrate recipients have implemented specific strategies that prevent criminalization of homelessness."

- U.S. Department of Housing & Urban Development

Pro Bono Partnerships

The Law Center sincerely thanks to its many pro bono law firm partners that exemplify the true spirit of the law – to fight for justice for those who otherwise would not be heard.

In 2015, the Law Center deepened and expanded its pro bono partnerships, working with 21 firms (on 41 matters) that donated nearly \$3.4 million in services. Their efforts, combined with the expertise of our staff, mean that the Law Center's effect was exponentially larger than would have been possible with our modest budget. Our pro bono partners hosted events, conducted legal research, helped with litigation strategies, wrote briefs, and provided direct legal advice and assistance to homeless individuals and families.

19 of these firms are members of LEAP – the Lawyers' Executive Advisory Partners – an elite group of law firms, firm partners, offices of corporate counsel, legal organizations, and individual practitioners who provide financial support as well as pro bono legal services to the Law Center.



During 2015, the Law Center welcomed **GOLDMAN SACHS** as a LEAP member. Goldman Sachs, along with Care for the Homeless, Sullivan & Cromwell, and the Law Center held a legal clinic in New York City focused on children's education access. In addition to the organizing groups, pro bono lawyers and volunteers from Sheppard Mullin and DLA Piper braved a cold and rainy Thursday evening to provide free legal consultations to homeless families with issues surrounding their children's access to education. We shared information with the families on their education rights under the McKinney-Vento Act and linked them to ongoing assistance. These consultations proved that some schools remain noncompliant with their legal obligations under McKinney-Vento, resulting in many children facing barriers to attending school.

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Participants at our New York City legal clinic focus on children's education access.

Leadership and Partnership



Deputy Director Janet Hostetler with a homeless mother and two legal volunteers at the Law Center's first legal clinic for families with children and youth experiencing homelessness



Law Center Attorney Michael Santos gives a presentation on educational access for homeless children at the legal clinic.



Law Center Founder Maria Foscarinis and Marc Uhry of Fondation Abbé Pierre discuss his keynote speech on the right to housing in France.

2015 National Forum on the Human Right to Housing Agenda

On June 24-25, 2015 a packed room of close to 100 advocates, government representatives, formerly homeless individuals and others, representing 70 organizations from 18 states, gathered in Washington, D.C. for the 6th National Forum on the Human Right to Housing.

Convened by the National Law Center on Homelessness & Poverty, the Forum was designed as a strategic planning event to shape a movement against the criminalization of homelessness and for the human right to housing. The event was generously hosted by Microsoft's Innovation and Policy Center, and sponsored by the law firms of Covington & Burling, Fish & Richardson, and Sidley Austin, LLP. The Embassy of France sponsored the opening day keynote speaker, Marc Uhry, of Fondation Abbé Pierre, who spoke about the successful campaign for a right to housing in France.

The Forum was planned with guidance from a committee of more than 30 organizations and built upon a national summit on the criminalization of homelessness hosted in April in Denver by the National Coalition for the Homeless. It accomplished its primary goal of solidifying a growing consensus among participants that a campaign against criminalization and for housing—working at the local, state, and federal levels—is necessary.



Law Center Senior Attorney Eric Tars speaks at the 2015 National Forum.

Homeless Advocates Group

Monthly, the Law Center convenes the Homeless Advocates Group, a coalition of 32 national level organizations working on homelessness and poverty related issues, to coordinate policy initiatives and strategy.

Thank You 2015 Donors!

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2015 McKinney-Vento Awards

The October 2015 McKinney-Vento Awards allowed the Law Center – and our many friends – to recognize individuals and organizations that have advanced solutions to homelessness and poverty. These awards also pay tribute to two outstanding national leaders, Congressmen Stewart B. McKinney and Bruce F. Vento. The 2015 event raised more than \$260,000 for our nationally-focused efforts to serve America's more than 3.5 million homeless families, children and individuals, and the millions more who are at risk.

In 2015, we honored:

Sports Illustrated with the *Stewart B. McKinney Award* for its October 2014, cover story, "Young, Gifted and Homeless," which brought to light the issue of homeless athletes. *Sports Illustrated* exemplifies the patriotism and compassion of Congressman Stewart B. McKinney, who in 1987 was a primary sponsor of landmark legislation providing federal assistance to Americans experiencing homelessness.



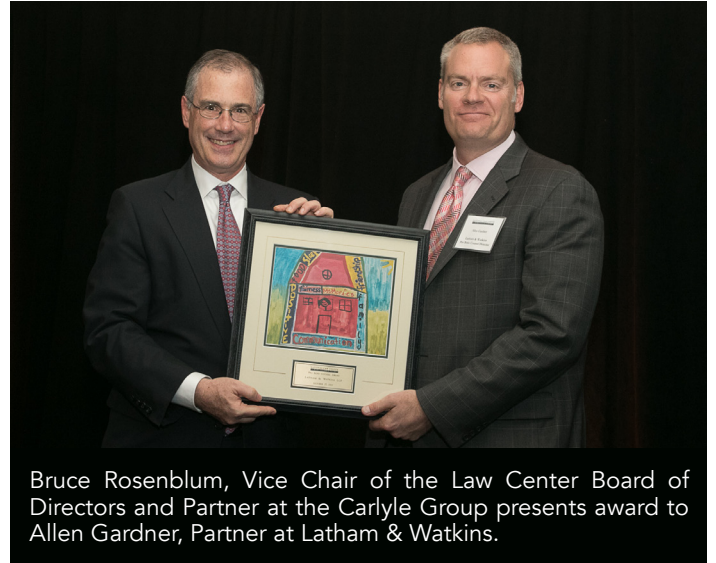
McKinney Vento Host Committee Chair and Partner at Porterfield, Fettig & Sears, Dwight Fettig presents award to *Sports Illustrated* Executive Editor and Senior Writer, Jon Wertheim.

Senator Sherrod Brown (D-OH), with the *Bruce F. Vento Award* for demonstrating extraordinary commitment to solutions to homelessness.



Sue Vento, the widow of Congressman Bruce Vento and McKinney-Vento Host Committee Member, presents award to Senator Brown.

Latham & Watkins LLP with our *Pro Bono Counsel Award* for demonstrating the commitment of the legal profession to provide pro bono legal services that significantly transform the lives of homeless men, women, and children.



Bruce Rosenblum, Vice Chair of the Law Center Board of Directors and Partner at the Carlyle Group presents award to Allen Gardner, Partner at Latham & Watkins.

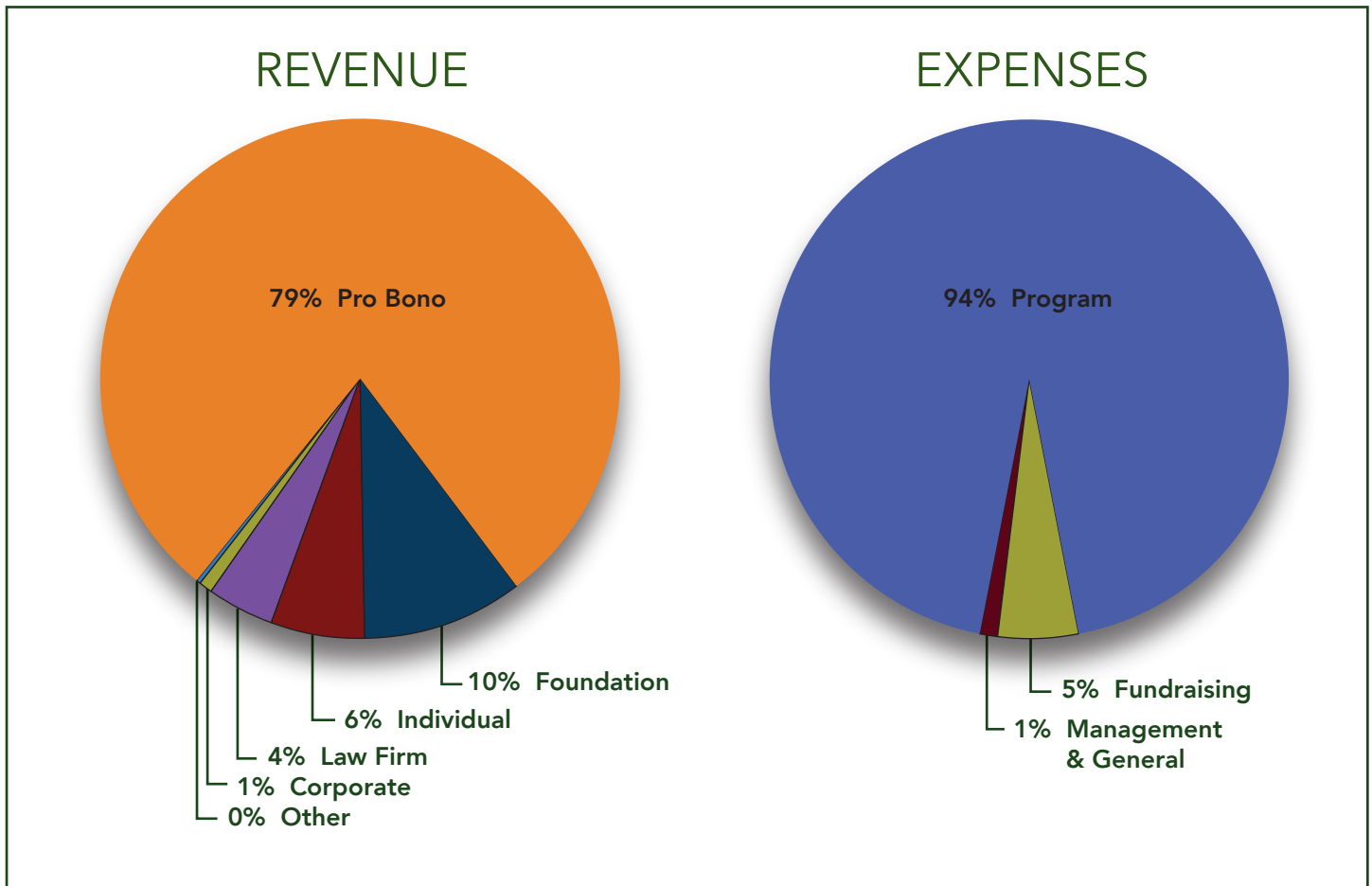
Bobby Limon, one of the student athletes in the *Sports Illustrated* article, received the *Personal Achievement Award*. He was denied enrollment in school when his family became homeless. With help, guidance, and support from the Law Center, Bobby was able to fight for his eligibility and eventually received a scholarship to play college football.



Robert Warren, Law Center Board Member and Director of People for Fairness Coalition, presents award to Bobby Limon (Reference story on page 12).

2015 Financials

In 2015 the National Law Center raised \$4,666,361 in cash revenue. The Law Center also leveraged nearly \$3,698,000.00 in donated legal services. Major sources of support, excluding donated services, include foundations (10%), Individual contributions (6%), Law Firms (4%), and Corporations (1%). The full audited financials are available online at: www.nlchp.org



STORY of IMPACT

It was an honor for the Law Center to present the 2015 McKinney-Vento Personal Achievement Award to **BOBBY LIMON**. When he was a child, Bobby and his family became homeless after his mother, suffering from multiple sclerosis, became unable to work. Bobby tried to maintain a normal life but this became even more difficult when his school contested his eligibility to play high school football, refusing to acknowledge that his lack of school stability was caused by his homelessness. After Bobby's father contacted the Law Center, we stepped in to advocate on his behalf under the McKinney-Vento Act which ensures that homeless students must have equal access to extracurricular activities.

"My story is similar to others who have suffered homelessness. My parents both worked good jobs, made a decent living, and bought a home for our family... One day everything turned around...[but now] I'm on a full athletic scholarship at the University of the Incarnate World where I earned a 3.85 GPA ... I know this would have never happened without Mr. Eric Tars, the Law Center...Thank You Mr. Tars... [for] the greatest football season of my life, one I will remember forever."

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Staff and Interns: (Back row): Brian Pedersen, Michael Santos, LaTissia Mitchell, Eric Tars, (Front Row) Janelle Fernandez, Sarah Knutson, Maria Foscarinis, Diane Aten, and Janet Hostetler. Not pictured: Tristia Bauman



Summer Interns: (Back row) Natalie Bach, Sierra Rogers, Beth Abramson, Nicole Cardamone, Bob Alexander, (Front Row) Leslie Paluch, Alyse Belavic, and Kathryn Krause

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BLOG | www.homelessnesslaw.org

The Homelessness Law blog offers unique commentary on the movement to end homelessness. We invite you to engage in this conversation by leaving your comments.

E-Newsletter

In Just Times, the Law Center's monthly publication, provides brief updates on current issues. Sign up by filling out the subscription form on our homepage at **www.nlchp.org**.

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