

# IN JUST TIMES

a publication of the

**NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY**



*Changing Laws,  
Changing Lives*

News and Commentary for  
April 2013

Three-quarters of Americans believe adequate housing is a human right. Almost half experience housing instability at some point in their lives.

Our team is using the power of the law to change that.

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**Homeless Education  
Advocacy Manual:**

Dear Friends,

Last week, a capacity crowd of some 130 lawyers, academics and grassroots activists [gathered](#) to spend a day discussing; the human right to housing, and strategies to build a legal foundation for that right here in the US.



**Maria Foscarinis  
Executive Director**

Co-sponsored by NLCHP, the Human Rights Institute of Columbia Law School and the Program on Human Rights in the Global Economy at Northeastern Law School, the Symposium was an inspiring call to action that included concrete examples of progress now being made at the federal, state and local levels to advance the human right to housing for all-and especially for homeless and poor people.

Among those efforts is the growing movement for state level Homeless Persons' Bills of Rights. Last year, Rhode Island enacted the Rhode Island Homeless Persons' Bill of Rights, the first such enforceable law in the nation. Now advocates in California, as well as Oregon, Vermont, Connecticut and Missouri are pressing similar campaigns, with support from NLCHP, which also supported the Rhode Island campaign. Last week, the California bill took a critical step forward when the California

## Disaster Edition!

Assembly's Judiciary voted it out of committee.

To keep reading, please [click here](#).

### **Inside the Courtroom with our Pro Bono Partners: Akin Gump and Law Center Win Protection of Food Sharing Rights in Dallas**

At the end of March, a federal court delivered a victory to the Law Center and its pro bono partner and LEAP member, Akin Gump Strauss Hauer & Feld LLP, when it ruled that the City of Dallas may not enforce a law that prevents religious organizations from providing food to homeless persons living outdoors. The Law Center's Civil Rights Attorney Heather Maria Johnson partnered with Akin Gump attorneys in Dallas to represent two religious organizations and one volunteer in their challenge to the city ordinance. Offering food, services and companionship to poor and homeless people is an integral part of the groups' ministries.

We caught up via e-mail with Andrew Newman and Lizzy Scott, Akin Gump attorneys who worked on the case pro bono, to talk about their experience.



Guests of Big Heart Ministries' annual Christmas meal dug into hot food on a cold afternoon outside a church on Second Avenue near Fair Park in December 2011. (*Dallas Morning News*)

*IJT: Tell us about litigating the case. Did it become emotional for you?*

"Taking this case to trial was difficult because the City has undertaken many positive programs that aim to help the homeless population of Dallas - in this instance, though, the City did not consider how our clients would be burdened by the numerous requirements for sharing food

with homeless individuals," wrote attorney Andrew Newman.

*IJT: What was the most challenging or surprising aspect of the case for you?*

"I think one of the most challenging aspects of the case was ensuring that our clients' compelling stories came through while also making the necessary legal and factual record. This case involved our clients' intensely personal religious convictions, and we wanted to make sure that their beliefs and their stories were never overshadowed by our more technical efforts to prove their case," said attorney Lizzy Scott.

"As recently as last Sunday one of our clients was out sharing food with the homeless near downtown, and he was told [by police that] he wasn't allowed to do it in the Central Business District," Scott told the [Dallas Morning News, which covered the case](#). "Now he's very excited to get back to the ministry," she added.

*IJT: What do you have to say about partnering with NLCHP and supporting our overall mission - to serve as the legal arm of the movement to prevent and end homelessness in America?*

"It was great to work with NLCHP and help continue this important work-our trial team benefited from NLCHP's national perspective and insight on this emerging issue of sharing food with homeless individuals in America's cities," commented Andrew.

At a time when more emergency food needs are going unmet, cities should be facilitating the efforts of charitable organizations to meet these needs, not infringing their rights to provide food as part of their religious mission. We are pleased that the Court has vindicated these important rights and grateful to our partners at Akin Gump for their excellent pro bono service.

## **Criminalization of Homelessness--Local Impact, Global Issue**

As the economic crisis continues at the bottom end of the income spectrum, the past week has brought two victories worth noting, from the most humble of tent encampments to the marble halls of the U.N's Palais Wilson in Geneva.



First, our colleagues at the New Jersey Coalition for the Homeless have won a tremendous court victory for those living in Tent City, Lakewood, New Jersey. After fighting the city and county's efforts to evict them for several years, and pushing, through counter-motions, an alternative vision of the law that says the state was violating their human right to housing (helped, in small part, by assistance from the Law Center), the homeless residents of Tent City have come to a settlement with the city that states, among other things, that (1) all of Tent City's current residents may not be ejected by Lakewood unless and until those residents are first offered a plan that provides for (and actually provides) safe and adequate housing for at least a full year; (2) requires Lakewood to dismiss all of the charges that it filed in municipal court and elsewhere about supposed "code violations" in Tent City; and (3) requires the city to provide basic municipal services such as trash removal for the residents until they depart. As Jeffery Wild, lead attorney for the homeless residents said,



"No one can be forced out of where they are now unless they are offered safe and adequate housing indoors. That's all we ever wanted. We're not here to defend Tent Cities; no one should have to live in the woods. This is about the right of everyone to have housing."

[To keep reading, click here.](#)

## **Amid Epidemic of Rental Property Foreclosures, Partnership with Realtors Association to Assert Tenants' Rights**

Rental property foreclosures remain a national epidemic, affecting millions of people across the country including three million children. Renters are often kept in the dark about the foreclosure status of their homes, and they may not learn that their housing is in jeopardy until they are served with an eviction notice. The Protecting Tenants at Foreclosure Act ("PTFA") provides important protections to renters in foreclosed properties, requiring new owners to allow any bona fide renters to remain in their homes for the full duration of their lease agreements or for a minimum of 90 days with notice, whichever is longer.

Although the PTFA has been in place since 2009, violations of the law continue. The Law Center has addressed this ongoing problem by collecting information about PTFA violations from tenants and tenant advocates across the country and then working with the named violators to change the way they do business. We believe that working in collaboration to bring new owners and their agents into voluntary compliance with the PTFA is an effective strategy that benefits everyone involved, and our success in building these strategic partnerships suggests we're

right.



One shining example of this collaborative work is with the National Association of Realtors (NAR), an organization whose members represent nearly half of all real estate agents working nationwide. Real estate agents are often the first points of contact for tenants living in foreclosed properties, and it is not uncommon for their communication to be the only information that a renter is given about their housing options. Consequently, the information that a real estate agent provides to a renter is of the utmost importance - it must be accurate, clear, and given in good faith.

When the Law Center learned that real estate agents are among the most commonly cited violators of the PTFA, we reached out to NAR to suggest methods of collaboration that would educate real estate agents of their obligations under federal law. NAR, recognizing the benefit that such collaboration would provide to its members, responded with enthusiasm.

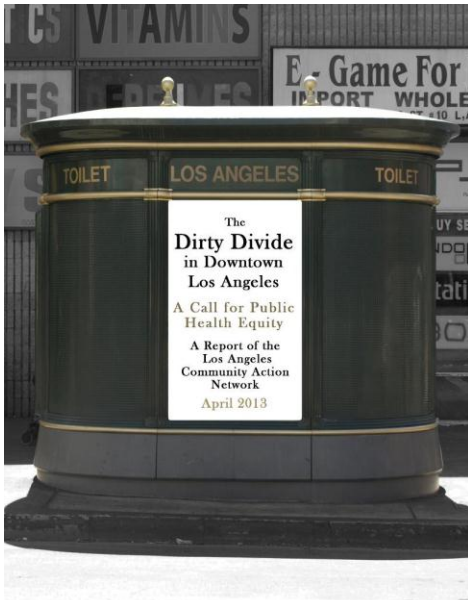
[Click here to keep reading and watch the Law Center and NAR's joint podcast.](#)

## 'American Winter' Premiered on HBO

We're thrilled that 'American Winter,' an important documentary by filmmakers Harry and Joe Ganz premiered on HBO on March 18. The film documents the reality of growing poverty in America, following the lives of eight families as they struggle with unemployment, health challenges, evictions and homelessness. It's a powerful depiction of inequality and injustice in our country, and puts names and faces to the issues we work on daily here at the Law Center. We were proud that Harry Ganz joined us at our annual dinner last year, and that we were able to show excerpts of the film and give it some early, very well-deserved attention. Learn more about the film [here](#) and please support it.



## A Call for Public Health Equity on Skid Row



Building on a [visit](#) last year from the [top UN expert on the right to water and sanitation](#), which focused attention on the cruel and degrading conditions faced by homeless persons without access to adequate sanitation, our partners at the [Los Angeles Community Action Network](#) (LA CAN) are launching their new report, [The Dirty Divide](#), which highlights the continued lack of public health infrastructure for poor residents residing in Downtown Los Angeles, with a particular focus on trash services and restrooms. [See more here.](#)

## Changing Laws. Changing Lives.

The Law Center is the only national legal advocacy organization dedicated to ending and preventing homelessness in America. It fights in the halls of power for laws and

policies that protect homeless people's rights and help them rise out of poverty.

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