

IN JUST TIMES

a publication of the

**NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY**



*Changing Laws,
Changing Lives*

News and Commentary for
December 2013

HUMAN RIGHTS



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Dear Friends,

December 10 marked international human rights day, and it's an especially significant time for homeless and



Maria Foscarinis

Grades

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STAY CONNECTED



DONATE TODAY!

Thank YOU for helping us achieve our 2013 Key Accomplishments. There is still so much work to be done. We hope we can count on you, this holiday season, to support our work in 2014.

vulnerable Americans and for everyone involved in their struggle.

Executive Director

As we note in our just released [2013 Report Card on the Human Right to Housing](#), in a country that has the resources to ensure housing for all, the failure to do so violates human rights norms. The injustice of homelessness in the United States reflects that violation.

What would it mean to implement the human right to housing here in the U.S.? Simply put, it would mean that our government would adopt policies and allocate resources to ensure [safe, decent, affordable housing for all](#). At the federal level there are specific steps government could take to move us towards that goal right now, including:

- Significantly increasing federal funds for low-income housing by funding the National Housing Trust Fund.
- Strengthening the [Protecting Tenants at Foreclosure Act](#) and making it permanent, so that tenants living in foreclosed properties can enjoy greater protection from unjust eviction and homelessness.
- Vigorously implementing the new housing rights enacted as part of the reauthorized [Violence Against Women Act](#)-protecting domestic violence survivors from unjust eviction and homelessness.
- Using the power of the federal purse to discourage communities from [criminalizing homelessness](#).

The human right to housing doesn't mean that the government has to build a house for everyone and give it to them free of charge. It does mean that the government must adopt policies and prioritize our collective resources so that [everyone has basic, decent, affordable housing](#). This is a goal that reflects basic American values and it's one that our country adopted decades ago when it put into law the goal of a [decent home for every American family](#).

It's time to move beyond goals to rights. Ensuring a place to call home for all should not be a matter of discretion, but a commitment we live up to.

What Do Human Rights Mean To You?

In a first for any domestic federal agency, the [U.S. Interagency Council on Homelessness \(USICH\)](#) celebrated [International Human Rights Day](#) by launching a blog series asking the question "what does human rights mean to me?" to officials from its member agencies and other

advocates.



Photo by: the Advocates for Human Rights

International Human Rights Day is celebrated each year on December 10th, commemorating the adoption of the Universal Declaration of Human Rights in 1948. This blog series follows the U.S. government's commitment to addressing housing and homelessness as a human rights issue during the [2010 UN Universal Periodic Review](#) and a [recent focus on criminalization of homelessness](#) prompted by the review of the UN Human Rights Committee to take place in March 2014.

Law Center staff and board members have been invited to contribute guest blogs for the series. Eric Tars, the Director of Human Rights and Children's Rights Programs at the Law Center stated, "We are excited to partner with the USICH on this initiative and thank them for setting a new baseline for our policy discussions around homelessness that includes human rights. We hope this series prompts agencies to respond not just with written blogs, but concrete actions to protect the human rights of persons experiencing homelessness."

5th Biannual US Human Rights Network National Conference

Eric Tars, Director of Human Rights and Children's Rights Programs at the Law Center, spoke at the [5th Biannual US Human Rights Network National Conference](#), in Atlanta, Georgia. The conference, Humanizing Homelessness: A Human Rights Approach to Homelessness, integrates human rights standards to the discussion of homelessness.



Eric Tars at the 5th Biannual US Human Rights Network National Conference

Eric Tars is joined by Ken Neubeck, *Eugene Human Rights commission & Human Rights at Home Campaign*; Anita Beaty, *Metro-Atlanta Task Force for the Homeless and National Coalition for the Homeless*; and Dr. Charles G. Steffen, *Georgie State University and Metro-Atlanta Task Force for the Homeless*.

Campaigning for the Protecting Tenants at Foreclosure Act

In 2009, the Law Center helped secure passage of the Protecting Tenants At Foreclosure Act (PTFA), a law to ensure that innocent rent-paying tenants living in properties where the owner is foreclosed on are not abruptly evicted into homelessness by the post-foreclosure property owner. The law has successfully helped tenants across the country, but there are several challenges to its continued effectiveness. The first is that the law was written with a sunset date, and is currently slated to expire on December 31, 2014. The second is that it does not clearly state a private right of action, which can hamper tenants in affirmatively asserting their legal rights in court and result in varying interpretations of the law by different courts.



Photo by: respres

On November 20, the House and Senate introduced identical bills to make the Protecting Tenants At Foreclosure Act (PTFA) permanent, and to clarify that tenants may initiate lawsuits to vindicate their rights. The Permanently Protecting Tenants at Foreclosure Act of 2013 (S. 1761) was introduced by Senator Richard Blumenthal of Connecticut, and co-sponsored by Senators Elizabeth Warren of Massachusetts and Sherrod Brown of Ohio. The House bill (H.R. 3543) was introduced by Representative Keith Ellison of Minnesota, joined by 18 co-sponsors.

In 2014, the Law Center will embark on a campaign to pass these bills and make this critical law permanent. Copies of the legislation are available at www.congress.gov.

Human Right to Housing Report Card Gives U.S. Poor Grades

In December 10, commemorating International [Human Rights Day](#), the National Law Center on Homelessness & Poverty issued its [2013 Human Right to Housing Report Card](#). The Report Card found that U.S. compliance with the human right to housing in the context of American homelessness shows some limited improvement, but that much more needs to be done.

HUMAN RIGHT TO HOUSING REPORT CARD

Student: United States of America

CATEGORY	2011	2012	2013
Security of Tenure			
Renters	<i>B-</i>	<i>C-</i>	<i>C</i>
Homeowners	<i>D+</i>	<i>D</i>	<i>D</i>
Access to Counsel	<i>D</i>	<i>F</i>	<i>D-</i>
Emergency & Dire Circumstances			
Criminalization of Homelessness	<i>F</i>	<i>D-</i>	<i>D</i>
Domestic Violence	<i>B-</i>	<i>C</i>	<i>A-</i>
Availability of Services, Materials & Infrastructure	<i>D</i>	<i>D</i>	<i>D</i>
Affordability	<i>D</i>	<i>D</i>	<i>F</i>
Accessibility	<i>C-</i>	<i>C-</i>	<i>C-</i>
Habitability	<i>C-</i>	<i>C-</i>	<i>D</i>
Location	<i>D</i>	<i>D</i>	<i>D</i>
Cultural Adequacy	<i>D</i>	<i>D</i>	<i>D</i>
Overall	<i>D+</i>	<i>D</i>	<i>D+</i>

Screen Shot of Report Card.

"In 2010, to its credit, the federal government committed to a plan to [end and prevent homelessness](#). Unfortunately, inadequate funding is hampering many of that plan's goals and, overall, as a country we are far from ensuring the right to housing for all," said Maria Foscarinis, Executive Director of the Law Center, "The poor grades we assigned in this year's report card reflect the lack of priority and resources devoted to meeting the human right to housing so that all Americans have a place to call home."

There were encouraging policy developments this year, however. The Violence Against Women Act 2013 reauthorization was a major victory, significantly expanding housing rights for survivors of domestic violence to all federally funded housing, adding coverage to over 4 million additional households. Additionally, in a strongly worded ruling, a court upheld a long-standing order forcing government compliance with Title V of the McKinney-Vento Act requiring government agencies to make vacant properties available to homeless service agencies.

"The U.S. Interagency Council on Homelessness also deserves credit for [actively engaging with the review of the U.S. by the UN Human Rights Committee](#), using the Committee's question to the U.S. on its practices of criminalization of homelessness to push other agencies to consider actions they could be taking," said Eric Tars, Director of Human Rights & Children's Rights

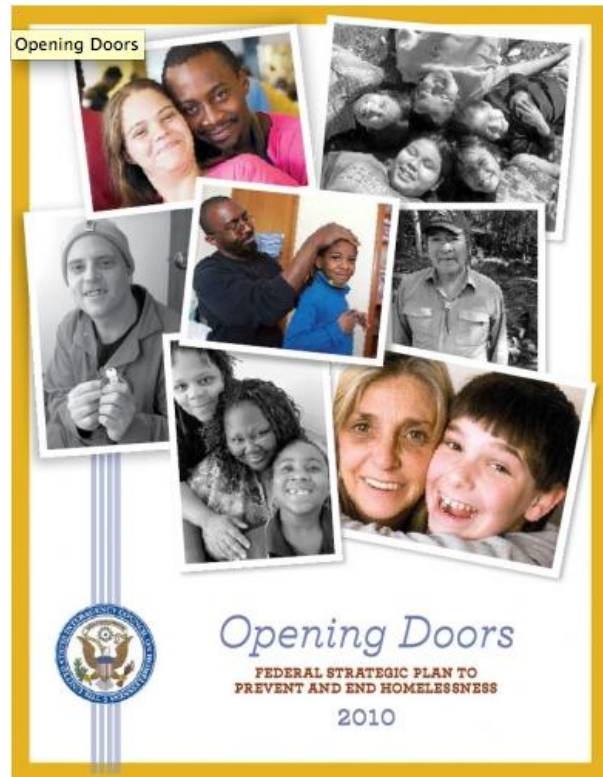
Programs at the Law Center, "But we have yet to see those actions being implemented, and our human rights obligations to our most vulnerable citizens remain compromised."

To read the Report Card, [click here](#).

The Law Center's Response to the New HUD Data

The U.S. Department of Housing and Urban Development (HUD) released new data indicating a 3.8 percent decline in the number of homeless Americans in 2013, compared to 2012 figures. HUD attributes this decline to progress made in the implementation of [Opening Doors: Federal Strategic Plan To Prevent And End Homelessness](#).

Maria Foscarinis, Executive Director of the National Law Center on Homelessness & Poverty, says, "We have long supported the goals of *Opening Doors*. However, while efforts to end homelessness are having an impact on individuals fortunate enough to obtain services, we do not believe that the numbers indicating a decline are accurate. HUD's report combines data on the number of people living outdoors (which is inherently difficult if not impossible to collect, as well as counted differently in every community) and the number in HUD funded emergency shelters and transitional housing (which is limited to the capacity of those programs). This number excludes millions of homeless Americans, including those who have lost their housing and are living doubled up because of economic necessity or in motels because HUD programs are full."



In October, 2013, the U.S. Department of Education released data showing that public schools served a record number of homeless children and youth, over 1.1 million. The 1,168,354 homeless students enrolled by U.S. preschools and K-12 schools in the 2011-2012 school year is the highest number on record, and a 10 percent increase over the previous year.



The number of homeless children in public schools has increased [72 percent](#) since the beginning of the recession, and [80 percent](#) of these children are not counted in the HUD data.

Most important is continued advocacy to address the need. Jeremy Rosen, Policy Director at the Law Center, notes that "We know what it takes to prevent and end homelessness. We call on Congress and the Administration to implement and adequately

fund these pragmatic, proven solutions." Specifically:

- Providing at least \$1 billion in funding for the National Housing Trust Fund.
- Making the Protecting Tenants At Foreclosure Act permanent, so that innocent tenants are not made homeless when their landlords are foreclosed on.

- Fully implementing the Violence Against Women Act, so survivors are not subject to eviction after already having been the victims of crime.
- Providing at least \$150 million for the Department of Education's Education for Homeless Children and Youth Program, and better aligning the definitions of homelessness used by HUD and the Department of Education.

From the Law Center's Story Bank

Carl Ellis, A Veteran Denied His Voting Right

Carl Ellis, a 52 year-old U.S. Army Veteran, lives in a homeless shelter in Milwaukee. He joined the army at age 18, served his country, and was later honorably discharged. Today, he faces numerous hurdles when trying to vote under Wisconsin's strict voter ID law.

The law requires the state to provide free ID cards. But homeless people often lack the documents needed to obtain the ID (like a birth certificate) and must therefore pay to obtain them, meaning the ID is not free at all.

Carl Ellis has repeatedly walked 40 minutes each way to the DMV, only to be denied an ID because his documentation was not in order. He was told he'd need a birth certificate, something Ellis cannot afford.

He sought the help of an agency and a church, both of which wrote letters indicating his residency as proof that he was eligible to obtain an ID card. And each time, Ellis would take these letters and his documentation, head on over to the DMV, only to be told his documents were not sufficient enough to give him the required ID needed to vote.

Testifying as part of the [Law Center's lawsuit to protect voting rights in Wisconsin](#), Ellis shared with the court room, "if I can serve my country, I should be able to vote for who runs it...veterans and others who do not have a certain type of photo ID should not be kept from voting. These laws are undemocratic and un-American."

The Law Center couldn't agree more.

*"If I can serve
my country, I
should be able
to vote for who
runs it."
- Carl Ellis*

The Law Center Teams Up With Latham & Watkins

The Law Center has recently teamed up with [LEAP member](#), [Latham & Watkins](#), to submit an amicus brief challenging an unconstitutional panhandling ordinance in Springfield, Illinois.

LATHAM & WATKINS LLP

The ordinance, passed at the urging of local business interests, forbids all forms of vocal

requests for "immediate donations" of cash in Springfield's downtown historic district, permitting only silent solicitations in the form of written signs. Violations of the law carry penalties of up to \$100 dollars in fines, 40 hours of community service, or jail time.

A challenge to the ban and a motion for preliminary injunction against its enforcement has been brought on behalf of two homeless plaintiffs, Don Norton and Karen Otterson. "This law clearly violates the First Amendment right to free speech," said plaintiff's attorney, Mark Weinberg, "There is no other panhandling law this broad in the nation and, if this policy is adopted by other cities, it will have a chilling effect on homeless persons' free speech across the country."



Karen Otterson (left) and Don Norton (right) hold signs used by panhandlers at a July 2 Springfield City Council meeting. Photo by: Patrick Yeagle.

Following the denial of their motion for preliminary injunction preventing enforcement of the ordinance, plaintiffs filed an appeal with the Seventh Circuit Court of Appeals. To support this important legal effort, the Law Center has teamed up with law firm [Latham & Watkins LLP](#) to submit an amicus brief describing the legal and policy implications of Springfield's panhandling law. In keeping with Latham's history of first rate pro bono support to the Law Center, the firm has assembled an excellent team of First Amendment experts, including partner Matt Brill, and associates Amanda Potter and Noel Miller.

The Law Center wishes to thank [Latham & Watkins LLP](#) for its generous pro bono support and for its team of dedicated, knowledgeable attorneys who have gone above and beyond to help combat the criminalization of homelessness in Springfield, Illinois.

One Video Share = \$5 to the Law Center



The National Law Center on Homelessness & Poverty is part of Giving Library, an online video archive that connects donors to nonprofits. Giving Library has started its \$100,000 "Share to Give" campaign.

All you have to do is share our Giving Library video on Facebook or Twitter, **through the Giving Library website**, and Giving Library will donate \$5 to the Law Center.

And it only takes 4 simple steps:

- 1) Check out the Law Center's video:
<http://www.givinglibrary.org/organizations/national-law-center-on-homelessness-poverty>
- 2) Click the "Share Now" button
- 3) Create an account if you don't already have one
- 4) Click "Share on Facebook" and/or "Share on Twitter"

Once the video has been shared through the Giving Library website, the Law Center gets \$5!

We will receive \$5 per registered user on the Giving Library site, and **only shares done directly through Giving Library will be counted**. The campaign ends on December 31, 2013 (or until the \$100,000 prize pool is exhausted), so start sharing the video today! Make sure to tell all of your friends and family to do the same.

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