

# IN JUST TIMES

a publication of the

**NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY**



*Changing Laws,  
Changing Lives*

News and Commentary for  
September 2013

Last year, the number of homeless students topped one million.

This back to school season, help us make sure all our children have a chance for a better future.

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Dear Friends,

As you'll guess from this month's IJT, this has been a busy time for the Law Center.

Earlier this summer, Columbia South Carolina initiated a particularly disturbing effort to evict its homeless residents from its downtown, joining the many cities nationally pursuing criminalization as a response to homelessness and poverty. As you'll read, with smart advocacy, we were able to turn back this outrageous and misguided effort.

Working closely with local advocates, and pro bono partners, we brought [national attention](#) to this egregious plan, which was not only inhumane and potentially unconstitutional but also a poor and wasteful use of public resources. Thanks to last year's [groundbreaking report by the USICH and DOJ](#), we were also able to point to federal guidance militating against it.

Our collective efforts paid off, as you'll read below. While we still have work to do, we have scored an important success.

It's a step forward for our allies and homeless colleagues in



**Maria  
Foscarinis Executive  
Director**

Columbia but also for our larger efforts to counter the misuse of the criminal justice system and to promote human rights here at home. You'll also read about our other steps forward on this front, including the support of the American Bar Association for the human right to housing.

Health care is also critical to meeting the needs of homeless people and ending and preventing homelessness, and we are glad to partner with SAMSHA to help ensure that homeless Americans can benefit from the coming changes in the law.

We can't do this work without you! Our annual fundraiser and awards reception is October 30.

## ABA Passes Resolution Calling on U.S. to Implement the Human Right to Adequate Housing

On August 12, the American Bar Association (ABA) House of Delegates passed a resolution calling on the U.S. government at all levels to promote and implement the human right to housing.



### Commission on Homelessness and Poverty

support in the U.S. for the human right to housing, including recent statements by the U.S. government recognizing a political commitment to the human right to housing and addressing the criminalization of homelessness as a violation of two major human rights treaties.

In the resolution, the ABA "urges governments to promote the human right to adequate housing for all through increased funding, development and implementation of affordable housing strategies and to prevent infringement of that right."

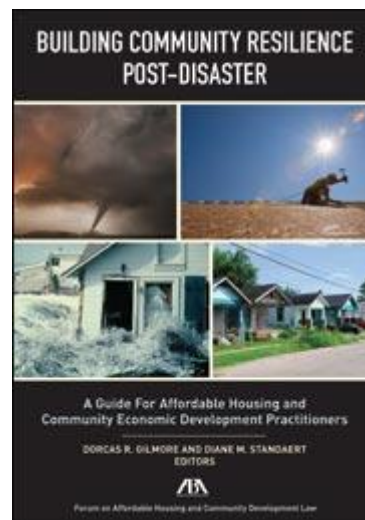
The resolution, introduced by the ABA Commission on Homelessness & Poverty, and drafted and enacted with assistance from the National Law Center on Homelessness & Poverty (Law Center), builds on increasing

## Law Center Contributes to ABA Guide on Post-Disaster Housing Policy

The Law Center contributed a chapter on human rights to *Building Community Resilience Post-Disaster: A Guide for Affordable Housing and Community Economic Development Practitioners*, a new guide published by the American Bar Association Forum on Affordable Housing and Community Development Law.

The chapter, "Beyond the Stafford Act: A Human Rights Approach to Disaster Policy" was authored by Director of Human and Children's Rights Programs, Eric Tars, and Catherine Galitzine, a Program on Human Rights and the Global Economy Fellow with the Law Center.

The chapter discusses the wealth of international human rights standards applicable to disaster victims, how the U.S. federal, state, and local policy falls short of these standards, and provides a case study on how groups in New Orleans used human rights standards and mechanisms in their advocacy for victims of Hurricane Katrina.



Building Community Post-Disaster Guide

## Human Rights Agencies Adopt Resolution Against Criminalization, for Homeless Bills of Rights and the Human Right to Adequate Housing

On August 26, the International Association of Official Human Rights Agencies (IAOHRA) adopted a resolution, drafted by the Law Center, opposing criminalization of homelessness, at its annual meeting in Denver, CO.

# HUMAN RIGHTS at HOME

A CAMPAIGN FOR A NEW DOMESTIC HUMAN RIGHTS AGENDA

[IAOHRA](#) is a professional association of over 140 state, county, and city governmental human rights commissions in the United States of America and Canada. Several of its members are active in the Human Rights At Home (HuRAH) Campaign, on whose Steering Committee the Law Center serves, and they suggested the Law Center draft the resolution after hearing about the recent trend of successful homeless bills of rights campaigns. IAOHRA also passed a separate resolution endorsing HuRAH's goals and committing its members to take at least one act to incorporate international human rights locally.

The resolution emphasizes that IAOHRA "opposes efforts to criminalize homelessness and supports efforts at the federal, state, and local levels to affirm the human rights of homeless individuals through homeless bills of rights, promoting the human right to adequate housing, and other constructive solutions to homelessness;" and "encourages its members to directly transmit this resolution to elected officials in their respective states or municipalities and take other steps to publicly oppose criminalization measures and

support constructive alternatives."

As homelessness becomes more and more visible in communities, those communities will face choices between criminalizing homelessness and pursuing more constructive alternatives. The Law Center looks forward to working with IAOHRA and its members to pursue positive means of addressing homelessness, including, ultimately, ensuring the human right to housing.

## Report Addresses Criminalization as Cruel, Inhuman & Degrading Treatment

Earlier this week, the National Law Center on Homelessness & Poverty released to the public a report, "Cruel, Inhuman, and Degrading: Homelessness in the United States under the International Covenant on Civil & Political Rights," addressing concerns raised by the [U.N. Human Rights Committee](#) in its review of the U.S.



**CRUEL, INHUMAN, AND DEGRADING:**  
Homelessness in the United States under the International Covenant on Civil and Political Rights

Submitted to the U.N. Human Rights Committee  
August 23, 2013



Prepared by  
NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY  
ALLARD K. LOWENSTEIN INTERNATIONAL HUMAN RIGHTS CLINIC  
YALE LAW SCHOOL

### Cruel, Inhuman and Degrading Report

The report, co-authored with the [Yale Law School Allard K. Lowenstein Human Rights Clinic](#), and endorsed by 23 other international, national, and local organizations, responds to a written question to the U.S. from the Human Rights Committee in March, as it prepares for its regular review of the U.S. for compliance with its human rights obligations, to take place on October 17-18 in Geneva, Switzerland.

The report clarifies that criminalization of homelessness, or penalizing homeless persons for basic life activities, such as sleeping, sitting, eating, or even going to the bathroom in public when they have no private alternatives, or targeting homeless persons for enforcement of other laws like jaywalking or littering, violates numerous rights under the [International Covenant on Civil and Political Rights](#), a treaty ratified by the U.S. in 1992. The Law Center will host a webinar on Monday, October 7, at 2pm EDT to discuss the findings.

## The Law Center and Grassroots Organizations Respond to Criminalization in Columbia

Recently, the Law Center was alerted to a troubling proposal to criminalize homelessness in Columbia, South Carolina. Responding to complaints about the growing number of homeless people in its downtown business district, Columbia City Councilman Cameron Runyan proposed a plan to remove all homeless people from Columbia's city center. Under his plan, police would be required to

**SOUTH CAROLINA**  
**appleseed**  
LEGAL JUSTICE CENTER

"aggressively enforce" laws against homeless people, to prohibit any homeless "foot traffic" in or out of the city's existing emergency shelter, and to move all homeless food services to a new shelter located miles outside of the city limits. Ultimately, the plan would result in only two options for Columbia's homeless population: go to jail or leave town.

Recognizing that Councilman Runyan's plan raised important legal concerns, the Law Center worked closely with South Carolina Appleseed Legal Justice Center ("Appleseed") and attorneys from our valued pro bono partner, Hogan Lovells, to challenge the proposal and to suggest constructive alternatives to the plan. Through coordinated effort by advocates on the ground and at the national level, the Columbia City Council abandoned the criminalization proposal and adopted a much improved plan that directs community resources to solutions that address the root causes of homelessness in their city. In the words of Mayor Benjamin, "[Columbia recognizes] that meeting the challenge of homelessness and poverty requires a community response and that this is a 'we' challenge, not a 'them' challenge and never an effort to deprive any individuals of civil liberties or to criminalize poverty."

"[W]e could not have done this without you," said Sue Berkowitz, Director of Appleseed, in thanks to the Law Center and Hogan Lovells for their legal expertise and support, "I really don't know how to thank you enough."

The Law Center was proud to work to with fellow advocates and attorneys to turn what could have been a very bad situation in Columbia, South Carolina into a positive one for Columbia's homeless community and the community at large. As Maria Foscarinis stated in [her interview with MSNBC on the issue](#), "The criminalization of homelessness is an ineffective strategy that is legally problematic and wasteful of precious community resources that could be better spent on constructive solutions to the problem of homelessness."

## **Get Ready for the Health Insurance Marketplace: Open Enrollment Begins October 1!**

Helping homeless and low income people obtain better health coverage and increased access to needed services is a priority for the National Law Center on Homelessness & Poverty. That's why we've partnered with the Substance Abuse and Mental Health Services Administration (SAMHSA), along with many similar organizations, to develop training and resources that will help you explain the new health care law and encourage uninsured individuals to apply for coverage. While many people who are homeless or in poverty will be newly qualified for Medicaid, many states have not expanded Medicaid. People in those non-expansion states will need to know about open enrollment through the Health Insurance Marketplace. Open enrollment runs from October 2013 through March 2014 with coverage beginning as early as January 1, 2014.

SAMHSA's toolkit, *Getting Ready for the Health Insurance Marketplace*, is now available at <http://tiny.cc/HomelessServices>. You can access and view the 30-minute, interactive, online toolkit at your convenience. The toolkit is composed of three sections. The first section describes the health care law, how it works, and why it is important for uninsured individuals with behavioral health conditions. The second section explains how the Health Insurance Marketplace works, how to apply for health coverage and where to get help. The

third section contains numerous communication ideas and materials that you can use to create awareness and motivate uninsured individuals to enroll. Useful resources and materials can be downloaded directly from the toolkit.

Among the many communication resources provided in the toolkit are articles, brochures, fact sheets, presentations, videos, posters, cards, outreach messages, flyers, widgets, and social media resources. Many of the materials are available in multiple languages and customized for specific population segments, such as different ethnic/racial groups. You can choose which will be most helpful for the uninsured individuals you serve.

For more information and to provide feedback about the toolkit, please contact Jeremy Rosen at [jrosen@nlchp.org](mailto:jrosen@nlchp.org).

**NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY**

**CHANGING LAWS,  
CHANGING LIVES**

*Save the Date*

**MCKINNEY-VENTO AWARDS  
& RECEPTION (Buffet Dinner)**

**RSVP** [events@nlchp.org](mailto:events@nlchp.org)

**WHEN:**  
**OCT 30, 2013 | 6pm**

**WHERE:**  
**Renaissance Downtown Hotel**  
999 Ninth Street NW  
Washington, DC 20001

**National Law Center on Homelessness & Poverty | 2000 M Street NW, Suite 210, Washington, DC 20036**  
**[www.nlchp.org](http://www.nlchp.org)**

**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)