

IN JUST TIMES

a publication of the

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



Changing Laws,
Changing Lives

News and Commentary for
April 2014

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Dear Friends,

Momentum is building.

Last month, the UN Human Rights committee [condemned US policies that criminalize homelessness](#). In the run up to the review, the U.S. Interagency Council on Homelessness agreed, and noted that [HUD is working with the Law Center](#) to ensure that criminalization will serve as a negative factor in considering federal funding requests by communities.



Maria Foscarinis
Executive Director

And now, following the review, the USICH ran a [strong blog post](#) opposing criminalization and promoting human rights, building on its [earlier blog series](#) devoted to homelessness and human rights.

Advocates in states like Rhode Island, Connecticut, Illinois, and California are promoting Homeless Bills of Rights, which prohibit discrimination against homeless people not just in public places but in employment, housing and public benefits. This month, the Law Center [published a report](#) to help them do that.

But stopping criminalization and discrimination is just a first step. Our goal is to move from spending resources on criminalizing homelessness to funding housing. Ultimately, what we are advocating for is the human right to housing.

Articles in this issue help outline how we get there.

U.N. Human Rights Committee Condemns Homeless Criminalization

The Law Center's report, [Cruel, Inhuman, and Degrading: Homelessness in the United States under the International Covenant on Civil and Political Rights](#), helped prompt the U.N. Human Rights Committee in Geneva to condemn the criminalization of homelessness in the United States. The Committee described the criminalization of homelessness as a violation of international human treaty obligations, and called upon the U.S. government to take corrective action. The Committee's statement is part of its Concluding Observations, following a two day review of U.S. government compliance with the International Covenant on Civil and Political Rights, a treaty ratified in 1992.

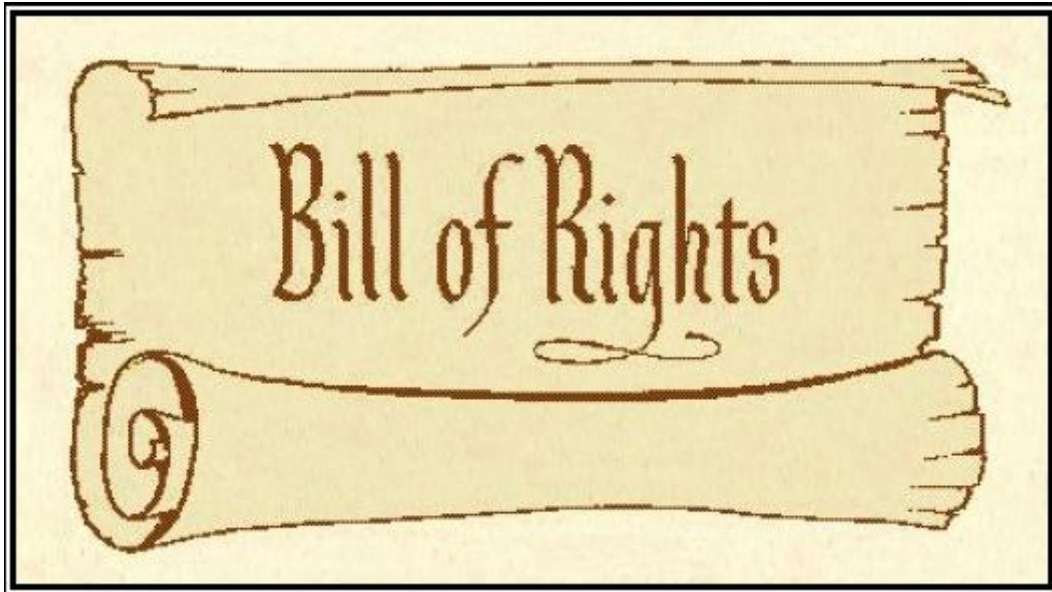


The Law Center applauds the Committee's findings! "Criminally punishing people simply for having no legal place to be is cruel, inhuman and degrading treatment to which homeless people across the country are subjected every day," said Maria Foscarinis, NLCHP Executive Director. The organization regularly issues reports on the criminalization of homelessness and litigates to challenge the practice. "We welcome the Committee's Concluding Observations and call on our government to take swift action to solve homelessness with homes, not jails and prisons."

Eric Tars, Director of Human Rights and Children's Rights Programs at NLCHP says, "Despite the recession, our country is still the wealthiest country in the world, and we have the resources to ensure that everyone has a safe place to live. Criminalization is a barbaric approach to homelessness that should be rejected."

The Committee's Concluding Observations welcomed the positive steps taken by federal and some state and local authorities to address criminalization as a human rights violation, but noted concern that the practice is still routine. It called on the U.S. to "engage with state and local authorities to: (a) abolish criminalization of homelessness laws and policies at state and local levels; (b) ensure close cooperation between all relevant stakeholders including social, health, law enforcement and justice professionals at all levels to intensify efforts to find solutions for the homeless in accordance with human rights standards; and (c) offer incentives for decriminalization and implementation of such solutions, including by providing continued financial support to local authorities implementing alternatives to criminalization and withdrawing funding for local authorities criminalizing the homeless."

On April 15, 2014, the National Law Center on Homelessness & Poverty released a report, "[From Wrongs to Rights: The Case for Homeless Bills of Rights Legislation](#)" that discusses a new, powerful legislative tool gaining momentum across the nation, namely homeless bills of rights. These laws, already enacted in Rhode Island, Connecticut, Illinois and proposed in several other states, offer critical protection against violations of homeless persons civil rights. Moreover, these laws can help lay a legal foundation to end homelessness.



The report, co-authored with Professor Sara Rankin of Seattle University School of Law, describes the need for homeless bills of rights legislation, provides insight into the various models of the laws that have emerged, and offers homeless advocates with guidance on how to enact such laws in their own states.

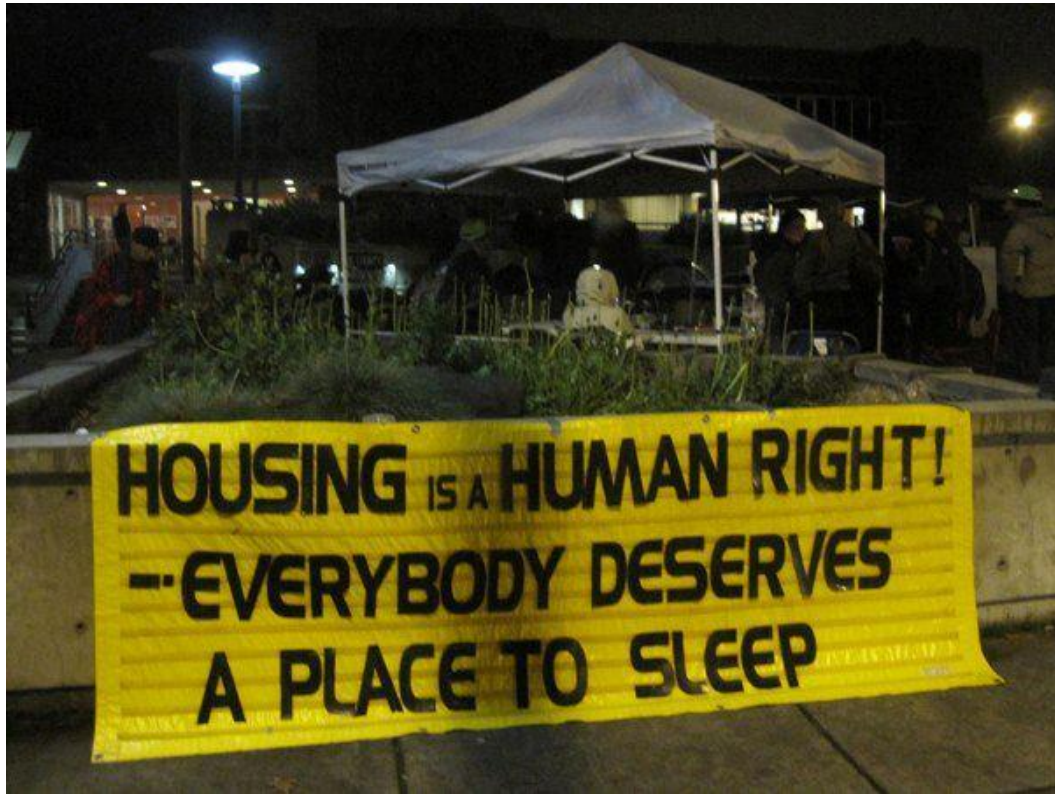
The webinar took place on Tuesday, April 15, 2014. Presenters included Tristia Bauman, Housing Program Director at the National Law Center on Homelessness & Poverty, Professor Sara Rankin of Seattle University School of Law, and Paul Boden, Executive and Organizing Director at Western Regional Advocacy Project.

To listen to a recording of the webinar, [click here](#).

Human Right to Housing Symposium Law Review & Webinar

To celebrate the release of the Columbia Law School [Human Rights Law Review](#) special edition with articles developed from last April's national symposium on Bringing Economic & Social Rights Home: The Right to Adequate Housing in the U.S., the Law Center will be hosting a webinar on April 24, 2014, at 3 p.m. to 4 p.m. EST.

The articles in this special issue of the Human Rights Law Review provide an important complement to, and expansion of, the last year's symposium discussion, and the webinar will offer a chance to hear the authors summarize their contributions and answer questions. [Click here to register](#).



The Review begins with an article by Law Center attorneys Eric Tars, Heather Maria Johnson, Tristia Bauman, and Maria Foscarinis proposing expanding available remedies in litigation challenging the criminalization of homelessness, including by invoking evolving international and comparative standards requiring effective, substantive remedies.

Risa Kaufman, Martha Davis and Heidi Wegleitner train the lens of international human rights to explicate the relationship between the right to counsel in civil cases and a right to housing. The authors set forth the international human rights framework for understanding the U.S.'s obligation to provide a civil right to counsel when basic human needs, including housing, are at stake.

Lucy Williams explores recent constitutional and statutory jurisprudence from the Constitutional Court of South Africa regarding the right to housing in South Africa, which includes many positive developments for tenants, but Williams also offers cautions on the needed next steps to make the right to housing a reality.

The edition continues with the transcript of the symposium keynote conversation between Columbia Law School Professor Olatunde Johnson and Evan Wolfson, the executive director of the Campaign for the Freedom to Marry, revealing several lessons that U.S. housing advocates can draw from the effort to secure the freedom to marry for same-sex couples.

The edition concludes with an article by Brittany Scott offering a human rights analysis of the racially-disparate development in cities and suburban communities. As human rights alternatives, she offers examples of Community Land Trusts and Community Benefit Agreements as means of holding the market and private developers accountable to the needs of the community.

Law Center Offers Testimony at Government Consultation on Access to Justice

On April 1, Law Center Senior Counsel Tristia Bauman presented [testimony](#) on homeless people's unequal access to justice at a [consultation](#) with close to 50 representatives of the Departments of Justice, State, Housing & Urban Development, and the White House Domestic Policy Council.



The consultation, hosted by [American University Washington College of Law's Center for Human Rights and Humanitarian Law](#), was the first in a series of government consultations in preparation for the upcoming [Universal Periodic Review](#), a comprehensive review of the U.S.'s human rights record by the [U.N. Human Rights Council](#) taking place next March.

As the Law Center described in [its testimony](#), homeless persons' lack of permanent address and financial stability has overwhelming and disproportionate consequences at every level of the criminal justice system. From being targeted by ordinances criminalizing basic survival needs in public, to a faulty system of excessively high fines, bail, and fees, to limited access to probation, homeless persons often find themselves incarcerated more often, and for longer, than a just system should allow.

The Law Center made a [series of recommendations](#) to the agencies present at the consultation, including eliminating address requirements for notice of court appearances and update systems to send notifications electronically; reducing bail for homeless persons and examining methods of offering pre-trial release on their own recognizance; removing obstacles for homeless people to enter into probation (lack of address, lack of transportation to see probation officer, etc.) and ensuring accommodations are made so that homeless people will not be forced to remain in jail unnecessarily; reducing the use of criminalization ordinances to address homelessness; and ensuring that housing programs are accessible to homeless persons who may have arrest records connected to their homelessness.

NLCHP is Seeking a Director of Development

The Law Center is seeking a capable and committed Director of Development to lead a comprehensive fundraising effort to maintain, increase and diversify financial resources and oversee the Law Center's communication's efforts. Working closely with the Executive Director and a dedicated and inspiring team of professionals, the Director of Development will design and drive fund development efforts from a variety of sources including annual and major gifts, special events, corporations and foundations.

If you or someone you know is interested in the position, we'd like to hear from you!

Changing Laws. Changing Lives.

The National Law Center on Homelessness & Poverty is the only national organization

providing high-level, comprehensive legal and legislative expertise resolving national homelessness issues through advocacy, advocacy training, public education, and impact litigation

www.nlchp.org