

# IN JUST TIMES

a publication of the

**NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY**



*Changing Laws,  
Changing Lives*

News and Commentary for  
July 2014

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&**

Dear Friends,

Imagine a world where it is illegal to sit down. Could you survive if there was no place where you were allowed to fall asleep, store your belongings, or stand still? For most people, these scenarios seem impossible. For homeless Americans, they are an ordinary part of daily life.

Our new report, [No Safe Place](#), discussed below, shines a light on this shameful reality. But it also does more, providing detailed data on the trend, as well as the context in which it occurs—including the dire lack of affordable housing. It makes the case and provides the supporting data that such policies are not only inhumane, but also costly and ineffective. It offers recommendations for more constructive approaches at all levels of government.

Most importantly, it urges a shift in focus away from using the criminal justice system to address homelessness—and a focus instead on increasing the availability of affordable housing, as well as its corollaries, living wage jobs, and access to social services.

While the report's findings are grim, there is also hope on the horizon. We and our allies are getting increased attention to the issue at the local state, federal and even international levels. We're also getting increased [media attention](#), including a very strong [editorial in the New York Times](#) last week featuring our report.



Maria Foscarinis  
Executive Director

## CERD Housing Report

With continued advocacy, I am confident we can and will turn this trend around.

### New Law Center report reveals startling rise in laws criminalizing homelessness across America

A new Law Center report, [\*No Safe Place\*](#), describes how a growing number of U.S. cities are criminally punishing homeless people for engaging in necessary, life-sustaining activities in public places even when they have no other option. With no safe place to go, people affected by homelessness are increasingly being forced to make an unfair and inhumane choice: flee the cities they call home or stay in places where they are subject to harassment and could be arrested for merely trying to survive.

"There is a severe shortage of affordable housing and a lack of emergency shelter options in our communities, leaving homeless people with no choice but to perform basic acts of survival, like falling asleep or resting, in public places," states Maria Foscarinis, Executive Director of the Law Center. "Such laws threaten the human and constitutional rights of homeless people, impose unnecessary costs on cities, and do nothing to solve the problems they purport to address, she added."



Photo By: Talk Real Solutions

According to the report, the number of laws restricting or prohibiting the basic human activities of homeless people has significantly increased since the Law Center's last report in 2011, according to the organization's survey of 187 cities across the country. Over half of the surveyed cities have laws restricting or prohibiting sitting or lying down in public, representing a 43% increase since 2011. Other criminalization laws have become even more prevalent. Laws prohibiting living in vehicles have increased by a dramatic 119% since 2011.

The Law Center's research also shows a 60% increase in city-wide bans on basic activities, suggesting that the nature of criminalization is changing. Rather than limiting criminalization laws to certain parts of the city, like downtown commercial districts or tourist areas, more cities are banning these activities throughout the entire community, effectively making it illegal to be homeless anywhere in the city.

"Criminalization laws are the least effective and most expensive way for cities to address homelessness in their communities," states Tristia Bauman, Senior Attorney at the Law Center, and primary author of the report. "Instead of wasting limited public resources on strategies that do nothing to address the underlying causes of homelessness, cities would be much better served by pursuing sensible, cost-effective, and humane constructive alternatives to criminalization." The report recommends several constructive solutions to homelessness, including increased investment in affordable housing and improved police training and practices, and highlights examples of such solutions in some cities.

The report makes recommendations for federal, state and local action to eliminate criminalization and to instead focus attention and resources on solutions to homelessness. It also provides an update on progress by the Law Center and its allies in pushing these recommendations forward.

## Law Center Reports and Testifies on Racially Discriminatory Housing and Justice Policies

More than half of those who experience homelessness in the United States are members of racial minorities, in large part due to the severe lack of affordable housing disproportionately impacting these minorities. Sadly, rather than working to end homelessness through affordable housing strategies, many cities have focused on policies that criminalize homelessness, again taking a disproportionate toll on minority populations. In response to this, the National Law Center on Homelessness & Poverty and [Los Angeles Community Action Network](#) filed [a report](#) with the U.N. Committee on the Elimination of Racial Discrimination, calling on the Committee to express its concern and to recommend that the United States take the steps necessary to reduce these racially discriminatory violations of housing rights.

[This report](#), endorsed by over two dozen organizations and individuals, is part of the process leading up to the review of the United States on its compliance with its obligations under the [International Convention on the Elimination of All Forms of Racial Discrimination](#) (Race Treaty).

On Tuesday, July 8, several Law Center staff members participated in a government consultation with the Departments of Housing & Urban Development, Justice, State, and others. The morning session focused on the Race Treaty. During a discussion of housing issues, Eric Tars from the Law Center called on the State and Justice Departments to recognize that the treaty's prohibition on racial discrimination includes an obligation not just to address intentional discrimination but also a duty to take affirmative steps to remedy policies which create or perpetuate discriminatory effects, such as those that produce the inequalities in the enjoyment of the right to housing described above.



Eric Tars Speaking at Government Consultation

The afternoon session focused on the [Universal Periodic Review](#) process that looks at a country's record on all human rights issues and which the United States will undergo in April 2015. The U.S.'s 2010 review produced [several recommendations on protecting the rights of homeless persons](#), and Jeremy Rosen from the Law Center asked what steps the government is specifically taking to address the criminalization of homelessness, which was also [condemned by the Human Rights Committee](#) earlier this year.

## McKinney-Vento Awards



### Save the Date!

We're excited to announce the [2014 McKinney-Vento Awards event](#)! This year's event is especially important to us: it marks the 25th anniversary of our founding. We will be celebrating 25 years of high impact advocacy that has changed laws and changed lives for millions. The event raises critical resources to support our work.

This year, we are thrilled to be honoring **Steve Smith**, wide receiver for the Baltimore Ravens, with the Stewart B. McKinney Award, for his commitment to homeless and low-income families and individuals, and **Sidley Austin LLP**, a Law Firm widely recognized for its pro bono and diversity

programs, with the Pro Bono Counsel Award. The event will be at the Liaison Capitol Hill in Washington, D.C.

Stay tuned for additional honorees! We will be sending out additional information soon.

Meanwhile, mark your calendars! For more information, click [here](#).

## Meet Our New Development & Communications Director, *Diane Aten*



We are excited to welcome Diane Aten to our team as Director of Development & Communications. Diane brings more than 20 years of experience in nonprofit development and communications, and a deep commitment to addressing homelessness. Her prior work includes positions with the Montgomery County Coalition for the Homeless, Samaritan Ministry, Sojourners, and Friendship Place. She received her undergraduate degree in Psychology from the University of Maryland, College Park and she holds a Master's degree in not-for-profit management.

"I care deeply about social justice and truly believe that it is possible to end homelessness," Diane shares, "I also believe in the power of working together. Every one of us, doing our part and taking combined action will generate a powerful, collective impact."

The Law Center is excited to have Diane on board and we look forward to working with her to generate an even bigger positive collective impact. Welcome, Diane!

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