

# IN JUST TIMES

a publication of the

NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY



*Changing Laws, Changing Lives*

February 2015

## Stay Connected

[National Law Center on Homelessness & Poverty](#)



♥ DONATE NOW »

## Table of Contents

[Victory in DeLand, Florida](#)

[Open Legal Director](#)

[Position](#)

[HUD Holds Consultation](#)

[Become a Monthly Donor!](#)

Dear Friends,

Across the country, communities are [criminalizing homelessness](#) – making it illegal for people to sit, sleep, and even eat in public places. In some cities, [private groups are being prevented](#) from sharing food with homeless and other poor people in public places.

Cities are pursuing these policies despite a lack of housing options – or even shelter and other resources to meet basic human needs; and even though data verifies that [criminalizing homelessness costs more](#) than ending it through [housing and supportive services](#).



Maria Foscarinis  
Executive Director

In fact, as we documented in [No Safe Place](#), communities are increasing, rather than decreasing, their use of criminalization laws and policies. People of color are disproportionately affected, and the criminalization of homelessness is part of a larger national trend that is increasingly criminalizing [disadvantaged and marginalized communities](#).

Over the past year especially, criminalization has drawn [increased attention from the media](#), policymakers, [federal agencies](#), and [international human rights bodies](#). This is largely thanks to the work of advocates. Through [litigation](#), reports, policy advocacy at the national, [regional](#), state, local, and international levels, we have collectively put pressure on our government to take action. Research backs up our position, showing clearly that criminalization costs more than housing. Effective “housing first” programs show that [housing works](#). But there is [not enough](#) affordable housing to meet the need.

**What if instead of putting energy and resources into criminalizing homelessness, government and business leaders put their energy and the communities' resources into laws and practices that protect and increase permanent, affordable housing for all homeless and vulnerable people?**

What if we, as advocates, mounted a campaign not just to stop criminalization – but to push for the human right to housing in our communities?

Let's work together - we want to hear your ideas!

## Local Anti-Bench Camping Law Defeated - Vindicating National Strategy

**“I am thrilled! Thanks for your support, positive thoughts and prayers, especially the help with research and preparation from Eric Tars at NLCHP.”**



Ted Small

These were the words of **Ted Small**, an attorney in DeLand, Florida, and chair of the [ABA Commission on Homelessness & Poverty](#), following a [surprise 5-0 defeat of a proposed ordinance that would have made it an offense to sit on a public bench for more than three cumulative hours during the course of a day](#).

The victory was unexpected because [the proposed ordinance had passed 4-1 on its first reading just two weeks prior](#).

The city proposed the ordinance largely due to complaints about just one homeless man, Earl Edwards, a man some businesses in the city wanted out of public view. Ted Small, speaking only in his capacity as a local business owner and tax payer, wanted to show that the business community had other ideas how the city should be using its tax dollars. Through the ABA Commission, he contacted the Law Center which helped him - with data, language, and background information - compose a letter to the city and testify at the hearing. Some excerpts:

First: [Housing First](#) is by far the most efficient and effective way to address chronic homelessness...Utah's Housing First program, for instance, has saved the state \$5,670 per person per year while reducing chronic homelessness by 74% since 2005. Also, please take note that HUD is likely to include a question about criminalization on their upcoming funding questionnaire for local homeless Continuums of Care (due out in February), so in addition to the general cost-ineffectiveness, communities with criminalization policies may lose points on their funding applications, so very real dollars are on the line.

Second: The proposed bench camping ordinance, like all civil penalty and criminalization enforcement strategies, increase the financial burden on the DeLand business community and all Volusia County taxpayers who must pay the costs of enforcement, collection of fines, potential incarceration, public defenders, and defense for the City of DeLand against lawsuits that will almost certainly be brought by organizations, such as the [National Law Center on Homelessness & Poverty](#) and the [Southern Legal Counsel](#).

Third: Criminalization of homelessness burdens homeless persons' lives and negates the benefits of broader affordable housing and indigent health care efforts.

Fourth: The City of DeLand's will suffer immeasurable reputational damages...If one considers persons experiencing homelessness as fellow citizens, Americans and human beings, with inherent rights and dignity, rather than as a nuisance to be solved, it should be clear that imposing a law banning people from merely occupying a public bench is morally out of step with our common core of values as Americans.

**Ted's testimony is important because it demonstrates that the Law Center's strategies of local technical assistance paired with federal advocacy to condition federal funds on cities' criminalization policies, as well as providing research on criminalization and constructive alternatives, plus a threat of legal action, are successful deterrents to such harmful policies being passed in the first place.**

Ted emphasized the effort was not his alone, but was also an effort by many others who turned out to the hearing: **"This is a wonderful testimony to the power of the people when united in favor of equal justice for all!"**

We congratulate Ted on his courageous advocacy on behalf of DeLand's most vulnerable citizens and hope that other communities will follow in DeLand's footsteps in allowing reason and humanity to prevail in their approach to homelessness in their communities.

## Interested in Working for the Law Center?

The National Law Center on Homelessness & Poverty has an open Legal Director position - [click here](#) to learn more.

## HUD Holds Consultation on Housing & Human Rights



On February 4<sup>th</sup>, the [Department of Housing & Urban Development](#) (HUD), working in collaboration with the National Law Center on Homelessness & Poverty, held a consultation with non-governmental organizations on housing and human rights. This consultation is part of the government's preparations for the U.S.'s second [Universal Periodic Review](#) (UPR) by the U.N. Human Rights Council in May.

Assistant Secretary of Fair Housing & Equal Opportunity, Gustavo Velasquez, opened the meeting welcoming the many senior officials from across all of HUD's program offices and the Departments of Justice, State, Education, Environmental Protection, Homeland Security, Indian Affairs, and the [U.S. Interagency Council on Homelessness](#) (USICH). Asst. Sec. Velasquez also welcomed the non-governmental participants from the Law Center, [Chicago Anti-Eviction Campaign](#), [National Coalition for the Homeless](#), [National Fair Housing Alliance](#), [National Low Income Housing Coalition](#), and [Unity Parenting and Counseling](#). These groups submitted a [report on the status of the enjoyment of human right to housing in the U.S.](#) to the Human Rights Council in September which served as the basis for the discussion.

Following the welcome, various presenters from HUD, the Department of Justice, the Department of State, and USICH, as well as Eric Tars, Senior Attorney at the Law Center, laid the basis for the discussion by addressing the government's ongoing efforts to integrate a human rights perspective throughout the administration. All participants then engaged in a productive dialogue discussing specific aspects of the government's commitments from the first round of the UPR, including reducing homelessness, protecting the rights of homeless persons, increasing access to affordable housing, and reducing discrimination in housing.

Michael Stoops, Director of Community Organizing at the [National Coalition for the Homeless](#), said, **"It was both refreshing and inspirational to hear reps from a wide range of federal agencies listening to and asking questions about the criminalization of homelessness issue and housing as a human right."**

The government issued its [official report to the Human Rights Council](#) on February 6 ([click here to read our analysis of it](#)) and will hold a multi-issue consultation on February 20. The Law Center will continue to use the UPR process to advocate for the U.S. to address housing as a human right and take steps to progressively implement it for all people.

## Why Become a Monthly Donor? Because It Adds Up!



When you become a [monthly donor](#) for the National Law Center on Homelessness & Poverty, **you become a reliable partner and a critical part of our community.** **By making regular gifts - you can make a big difference. We invite you to learn more about our work and how your recurring gift will create constructive, big picture solutions to end and prevent homelessness.**

Each month, on a day you have selected, a previously designated amount will be donated to the Law Center. You never have to remember to do this and you can pause your giving at any time.

Please [sign up](#) as a monthly donor today!

## Changing Laws. Changing Lives.

The National Law Center on Homelessness & Poverty (the Law Center) is the only national organization dedicated solely to using the power of the law to end and prevent homelessness.

With the support of a large network of pro bono lawyers, we address the immediate and long-term needs of people who are homeless or at risk through outreach and training, advocacy, impact litigation, and public education.

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

Picture Credits

Ted Small: <http://www.businessemploymentlawyer.com/about.html>

HUD Consultation: [DonkeyHotey \(CC BY 2.0\)](#)

Monthly Giving: <http://pixabay.com/en/child-studying-proof-test-counting-517839/> CC0 Public Domain