

IN JUST TIMES

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NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



Changing Laws, Changing Lives

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Dear Friends,

New research confirms what many advocates already know: **legal representation for tenants facing eviction helps keep them in their homes.**

In a recent posting on its [How Housing Matters](#) site, and an [issue brief](#) on the topic, the MacArthur Foundation notes that data from housing courts across the country indicate that **in over 90% of cases tenants are not represented by counsel, while 90% of landlords are.**

But unlike criminal cases, where there is a constitutionally mandated right to counsel, there is no nationally mandated right to legal representation in civil cases.

As detailed in the issue brief, there are now a few pilot programs that provide free legal representation to indigent tenants and have prevented evictions in the overwhelming majority of cases. For example, **a NYC program prevented evictions in 85% of cases**



Maria Foscarinis
Executive Director

where tenants were represented by counsel - and saved the city money. The free legal services [cost about \\$450,000 but saved about \\$700,000 in shelter costs.](#)

A [movement is under way to establish a civil right to counsel](#), focusing on areas of critical urgency such as evictions. While it won't make up for the dire shortage of affordable housing, a right to counsel will make a tremendous difference. And a right to counsel in eviction cases can form a crucial part of a strategy towards establishing a broader right to housing.

At our **National Forum on the Human Right to Housing** later this month we will include the right to counsel in our discussions. Let us know your thoughts by sending them to righttohousing@nlchp.org.

Right to Rest Laws - Unique Models for Prohibiting the Criminalization of Homelessness



Homeless bills of rights, already enacted in Rhode Island, Illinois, Connecticut, and the U.S. territory of Puerto Rico, can be powerful legal tools to address discrimination experienced by homeless people. **Recently, there have been inspiring efforts in California, Colorado, and Oregon to enact Right to Rest Acts, a unique and important homeless bill of rights model that prohibits the criminalization of homelessness.**

These efforts are unique because other homeless bills of rights have not explicitly addressed the criminalization of homelessness, although they can be helpful to combat it. In particular, the Right to Rest Acts prohibit local governments from criminally punishing people for resting in public spaces, whereas the other homeless bills of rights guarantee the

"right to move freely" in public places to the same extent as other people.

This new legislative advocacy, led by a key Law Center partner, the [Western Regional Advocacy Project](#) (WRAP), was the first multi-state effort to address the criminalization of homeless through state-level policy.

Sadly, California Senate Bill 608, Oregon Senate Bill 629, and Colorado House Bill 15-1264, lacked the support needed to make it out of the respective committees in which each had been introduced. A recent [update](#) from WRAP reported that sponsors of all three bills intend to continue to advocate for Right to Rest laws.

The proposals of these states are part of **a growing recognition of the need for legislation to combat the criminalization of homeless persons' life-sustaining activity**, such as sleeping or sitting down in public. The Law Center applauds these efforts as important steps toward addressing the criminalization of homelessness and laying the groundwork for a right to housing at the state level.

The First State Wide Analysis on the Criminalization of Homelessness



Seattle University School of Law's Homeless Rights Advocacy Project recently released briefs on [an analysis of laws criminalizing homelessness in Washington State](#). The analysis found that these discriminatory laws are proliferating in Washington State. Indicative of a larger trend, communities across the U.S. often criminalize the life-sustaining activities of people experiencing homelessness. Comprehensive research on the impact of these ineffective, expensive, and often illegal policies is critical to combating them, as noted in the Law Center's [No Safe Place](#) report. The reports from the Homeless Rights Advocacy Project represent a model that should be replicated across the country by advocates working

to end the criminalization of homelessness. Additional information on calculating the costs of criminalization is in the Law Center's [*No Safe Place Advocacy Manual*](#).

Finding Solutions in the Legal Community



The Equal Justice Conference, hosted by the American Bar Association in Austin, Texas, took place on May 7th through 9th, and our Senior Attorney, Tristia Bauman, attended as a presenter. The Equal Justice Conference brings members of the legal community together to discuss legal assistance to poor people, and the focus of this year's conference was on strengthening partnerships in the delivery of civil legal services. **Tristia presented on the Law Center's successful strategic partnerships in combating the criminalization of homelessness, highlighting the litigation effort with Latham & Watkins to combat an anti-camping ban in Boise, Idaho.** Tristia also presented on a panel discussing **innovative solutions to youth homelessness, highlighting the success of our Project LEARN program.**

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

Picture Credits

WRAP: <http://www.wraphome.org/work/civil-rights-campaign/64-static-pages/396-oregon-r2r>

Seattle University Law School: <http://www.law.seattleu.edu/newsroom/2015-news/law-school-project-releases-briefs-critical-of-criminalizing-homelessness>

Equal Justice Conference: http://www.americanbar.org/groups/probono_public_service/ejc/general.html