

IN JUST TIMES

a publication of the

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



Changing Laws, Changing Lives

November 2015

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Dear Friends,

Homelessness is in the news and on policy agendas around the country – and that's a good thing.

Following years of advocacy by the Law Center, key federal agencies are, at last, taking a stronger stance against the criminalization of homelessness, including: a strong [brief from the U.S. Department of Justice](#) supporting the Law Center's position in one of our cases challenging an anti-camping law; [new guidance on encampments from the U.S. Interagency Council on Homelessness](#) urging communities not to forcibly evict people but to house them instead; and the [U.S. Department of Housing and Urban Development using the power of \\$2.9 billion in competitive grant funds to discourage criminalization](#). These changes are generating news – see and listen to the most recent coverage of our work on [NPR's All Things Considered](#).



Maria Foscarinis
Executive Director

There's much more to do and in the works. Criminalization was a topic at the October quarterly USICH cabinet level meeting; we are working with DOJ's program arm to begin to turn around police action on the ground; and planning advocacy with other key federal agencies - [stay tuned](#).

Meanwhile, **in a new trend, three cities have now declared homelessness a "state of emergency,"** and [Hawaii became the first state to do so](#). As we've pointed out in multiple media interviews on this development, homelessness *is* an emergency and calling it that is appropriate. But what a city or state does with such a declaration really matters: is it using it to generate more resources - funding, public buildings, and land that could be repurposed - for housing? Or is it using it to justify sweeps? **There's a tremendous opportunity here if it's used well, and the Law Center has a working "[menu](#)" of model policies to promote positive community responses.**

Last, but by no means least, **thank you to our many supporters who helped make our McKinney-Vento Awards event a success!** This work would not be possible without your support. [Read about the evening here](#) - and, thank you for your continued support.

Take our survey to help us protect the rights of renters - and prevent homelessness

By filling out this survey, you are helping the Law Center to track rights violations and ensuring that we can take action to correct those violations. The information gathered will also tell us how the federal Protecting Tenants at Foreclosure Act could have helped - and will support our advocacy to reinstate it.

We encourage anyone working with renters in foreclosed properties, including legal services attorneys and real estate agents, to complete this survey.



[Click here to take our survey and protect the rights of renters!](#)

Good News for Cities Hoping to Reverse Criminalization



photo credit: [michaelpickard](#)

As laws criminalizing homelessness increase, so do successful lawsuits challenging them. Indeed, in our [No Safe Place: Advocacy Manual](#), the Law Center found that **the vast majority of cases challenging laws restricting the life-sustaining activities of homeless people have resulted in positive outcomes for homeless people or their advocates.** There is no better recent example of this trend than in lawsuits challenging bans on panhandling.

In June, the U.S. Supreme Court decided the case of *Reed v. Town of Gilbert*, holding that laws regulating speech based upon the topic, even where there is no discrimination between viewpoints on that topic, are unconstitutional unless they can survive strict scrutiny – the most exacting standard of judicial review. In the wake of that decision, a number of federal courts have invalidated panhandling laws that imposed more regulations on begging than on other forms of speech.

The first federal court decision interpreting *Reed* in the panhandling context was *Norton v. City of Springfield*, a case brought by local counsel with support from the Law Center and Latham & Watkins LLP. In *Norton*, the 7th Circuit found that a law restricting vocal appeals of immediate donations of cash, but not requests for signatures on a petition, for example, was an unconstitutional, content-based regulation of protected speech. **As a result of that decision, cities even outside of Springfield, Illinois have ceased enforcing their panhandling laws.** The City Attorney in Madison, WI, for example, issued a moratorium on all panhandling arrests while the constitutionality of Madison’s panhandling law is evaluated.

Similar federal court decisions in Lowell, MA and Grand Junction, CO have had also resulted in cessation of panhandling law enforcement. Indeed, Denver, Colorado Springs, and Boulder have all stopped arresting homeless people for most forms of begging.

These decisions are important not only because they protect the speech rights of homeless people, but also because they have struck down a common tool used by local governments to criminalize homelessness. **In this way, laws invalidating panhandling laws help lay the legal foundation to an end to homelessness.**

Check out our joint blog post with USICH on the federal impact of our groundbreaking human rights work!



Eric Tars, Senior Attorney with the Law Center
Liz Osborn, Management and Program Analyst with USICH

Hunger and Homelessness Week and Veterans Day

November is a reflective time.

We celebrate and thank all those who have served in our military on **November 11th, Veterans Day**. We reflect on all of the things for which we are thankful on **November 26th, Thanksgiving**. And the week before Thanksgiving, **November 14-22, is National Hunger and Homelessness Awareness Week**, a time to reflect on those who do not have enough, and re-commit to ending hunger and homelessness in this country. Check out the [activities](#) for NHHA week in your community or add one of your own.



During NHHA week, several members of the Law Center staff will be in New York City to co-host a legal clinic on education issues for families experiencing homelessness. We are partnering for the clinic with NY Care for the Homeless and pro bono attorneys at Goldman, Sachs & Co., Sullivan & Cromwell LLP, DLA Piper LLP, and Sheppard Mullin Richter & Hampton LLP. As always, the Law Center will also be working on research and reporting, federal advocacy, training and technical assistance for local partners, litigation, promoting our issues in the media, and more!

We invite you to take advantage of all opportunities this month and beyond to help us raise awareness - **not only that homelessness is a problem, but also that it has a solution. With political will, our nation can provide enough affordable housing to end homelessness.**

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