

# IN JUST TIMES

a publication of the

NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY



*Changing Laws, Changing Lives*

September 2015

## Stay Connected

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



♥ DONATE NOW »

## Table of Contents

[2015 McKinney-Vento](#)

[New Education Manual](#)

[We Are Hiring!](#)

[Springfield, Illinois](#)

[Meet Our Deputy Director](#)

Dear Friends,

Imagine being arrested and convicted for the unavoidable, necessary human act of sleeping. In Boise, Idaho, as in most U.S. cities, the number of people who are homeless at any given time exceeds the number of available shelter beds, and **homeless Boise residents must sleep in woods, parks and sidewalks - and risk arrest.** That's what happened to Janet Bell, who became homeless when she lost her job and couldn't find another one.



Maria Foscarinis  
Executive Director

Representing Janet Bell and other homeless residents of Boise, the Law Center is challenging the city's "anti-camping" law as unconstitutional, in a federal court case filed with our local partner, the [Legal Aid Society of Idaho](#), and our pro bono partner and 2015 McKinney-Vento Pro Bono Counsel award winner, [Latham & Watkins](#). After a setback at

the lower court level, **we appealed - and won**. Now we are back in the trial court, awaiting the judge's next ruling. **This time we have the backing of the U.S. Department of Justice.**

On August 6, following our advocacy, the DOJ's Civil Rights Division filed a strongly worded "[statement of interest](#)" in our case, supporting our position and noting that: **"If a person literally has nowhere else to go, then enforcement of the anti-camping ordinance against that person criminalizes her for being homeless."** Affirming long-held Law Center positions, the brief concludes that **"criminalizing homelessness is both unconstitutional and misguided public policy,"** and constitutes "cruel and unusual punishment".

This echoes the conclusions and recommendations we have garnered from [international human rights monitors](#) over the past few years, finding criminalization is **"cruel, inhuman, and degrading treatment"** and recommending increased federal involvement in abolishing the practice. The DOJ's brief is a concrete step toward implementing our human rights obligations.

The DOJ intervention is a major step forward in our advocacy against criminalization - **it is important not only for our Boise case, it also sends a signal to other cities across the country, that are enforcing or contemplating adopting such laws, to reconsider.** It has spurred [major media coverage](#), further magnifying its impact.

Also in August, and again [following our advocacy](#), the Interagency Council on Homelessness issued [guidance on community responses to encampments](#) of homeless people, **urging cities not to conduct forcible evictions or "sweeps" but rather to connect people to housing and services instead.**

**These victories, years in the making, will have a major impact as we move forward our work to fight against criminalization, and for the right to housing.** Stay tuned for further updates. Thank you so much for your support!

---

## **2015 McKinney-Vento Awards**

On October 27<sup>th</sup>, 2015 we will hold our 2015 **McKinney-Vento Awards** in Washington, D.C. Please join us as we honor **Sports Illustrated, Senator Sherrod Brown**, and our pro bono partner **Latham & Watkins** for their amazing work to advance solutions for homelessness and poverty. Look for our recent victories with Latham & Watkins in this issue's [letter from our Executive Director](#) and our case in [Springfield, Illinois](#). [Click here](#) to purchase tickets and learn about event sponsorship opportunities, and [click here](#) to learn more about the event and this year's honorees – we hope to see you there!

---

## A New Resource for Legal Advocates to Protect Education Rights of Children Experiencing Homelessness



Homeless children may be particularly looking forward to school – a safe, stable place with regular schedules and free meals. **Unfortunately, not every homeless child is returning to school this month.** Too many will be turned away and refused enrollment, despite a federal law that guarantees their right to attend school. **All it takes is for a single school staff member to stigmatize or to refuse enrollment that could set a homeless child on a different path, limiting her ability to avoid the vicious cycle of homelessness and extreme poverty.**

**In response to the great need for increasing homeless children’s access to education, the National Law Center on Homelessness & Poverty is releasing [\*No Barriers: A Legal Advocate’s Guide to Ensuring Compliance with the Education Program of the McKinney-Vento Act\*](#), a manual offering advocacy tools and compliance resources needed to help homeless children and youth stay and succeed in elementary and secondary schools. The manual enables advocates to effectively assist homeless children, youth, and families dealing with barriers to enrolling, attending, participating, and staying in school.**

Accessing college for homeless youth can be just as difficult, if not more. Unaccompanied homeless youth, for example, have to navigate the college financial aid application process without their parents. **However, on July 29, 2015, the U.S. Department of Education [clarified its policy](#) to allow unaccompanied youth between the ages of 21 and 24 who are homeless or at risk of being homeless to apply for financial aid as independent students without providing parental information.** The Law Center had advocated for this change, and the DOE's clarification is a victory and important step forward toward ensuring

that homeless children and youth's access to higher education is protected. While this may be a small change in policy, it makes a big difference in helping unaccompanied homeless youth stay and succeed in school.

## Making the Most of Our New Education Manual

A live webinar training presenting the information from our new education manual will take place at 2pm ET on Thursday, September 24, 2015. [Click here to sign up!](#)

## We Are Hiring a Director of Administration!

The Law Center is seeking a **Director of Administration**, who will be responsible for the development, implementation, and oversight of policies and procedures for finances, administration, and human resources.

Click [here](#) for more information and application instructions.

## Victory in Springfield, Illinois

The U.S. Court of Appeals for the 7th Circuit ruled last month that a **Springfield, Illinois panhandling ordinance is unconstitutional**. The law, which bans all vocal appeals for immediate donations of money throughout the city's downtown historic district, infringes upon the right to free speech guaranteed by the First Amendment.

Don Norton and Karen Otterson, two panhandlers in Springfield who had been cited under the law, filed suit in September 2013 arguing that the law was an unconstitutional content-based restriction on speech designed to target homeless panhandlers in Springfield's heavily trafficked business and tourist area. The district court denied the plaintiff's motion for injunction, and the decision was appealed to the 7<sup>th</sup> Circuit, which initially upheld the law, but later reversed its position following a successful motion for rehearing.

Critical to the outcome in this case was the recent U.S. Supreme Court's decision in *Reed v. Gilbert*. In *Reed*, the Supreme Court clarified that speech regulations targeting a particular topic are content-based, even where the government does not seek to discriminate among

viewpoints related to that topic. Under that standard, the Springfield ordinance is a content-based restriction on speech subject to strict scrutiny, which the ordinance could not survive.

The Law Center became involved with the case when lead attorney Mark Weinberg contacted us for assistance with the appeal in 2014. We brought in [LEAP member](#), valued pro bono partner, and [McKinney-Vento Awards honoree](#), Latham & Watkins, to assist the Law Center in drafting an amicus brief in the case, and to support Mr. Weinberg with the appeal. **"We are thrilled that the 7th Circuit Court of Appeals has recognized that ordinances banning panhandling cannot be squared with the First Amendment's guarantee of free speech,"** said Latham & Watkins partner, Matt Brill, who led the firm's efforts on the case. **"Such laws impermissibly burden the speech rights of the homeless and other vulnerable individuals. The court authorized an injunction barring the City of Springfield from enforcing its unlawful ordinance and the decision is sure to reverberate positively throughout other communities."**

Indeed, **the decision has already had a positive effect on other communities.** Following a letter to Madison, Wisconsin's Mayor Soglin by the ACLU-WI advising that Madison's panhandling ordinance is similarly unconstitutional in light of the 7<sup>th</sup> Circuit's decision, the City Attorney has ordered a moratorium on all panhandling arrests while the issue is evaluated.



**The Law Center Has a New Deputy Director!**



**“We have the capacity to eradicate dire poverty and homelessness, as well as a legal and moral obligation to do so. Working together, we can reduce suffering and injustice, promote fairness and opportunity.”**

**Janet Hostetler** comes to the Law Center from HUD’s Office of Fair Housing Equal Opportunity where she was the Chief of Staff, charged with driving and coordinating major priorities for the 500+ person civil rights office. Janet’s portfolio includes communication and policy development strategies, coordinating the implementation of new policies, and improving effectiveness and efficiency in key areas. Learn more about Janet by visiting our [staff page](#).

**Thank you for joining our team Janet!**

## **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)

