

IN JUST TIMES

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NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



Changing Laws, Changing Lives

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Dear Friends,

Race and homelessness are deeply interrelated, but this connection is too little discussed. While this is a critical issue every month of the year, I'm highlighting it now during Black History Month to elevate this important issue.

African Americans make up 12% of the U.S. population. But they make up 26% of the poverty population, and a staggering 40% of the homeless population. Not only are African Americans [more likely to be homeless](#), they [remain homeless longer](#) than their white peers.



Maria Foscarinis
Executive Director

The disparity is dramatic, and poverty alone does not explain it. One recent [study](#) indicates that housing segregation is a critical factor. In our [report](#) to the UN Committee on Racial Discrimination, the Law Center detailed the disparate racial impact of the crisis in affordable housing and the lack of legal protections for vulnerable tenants.

The criminal justice system surely plays a role as well, with the disproportionately higher incarceration rates of African Americans putting them at risk of homelessness upon release and making it even harder for them to find housing or employment.

At the front end of the criminal justice system, the criminalization of homelessness has long roots in racial discrimination. As [Kim Hopper](#) and [Paul Boden](#) have noted, vagrancy laws were enacted in the post-civil war South as part of an effort to restrict the movements of newly freed slaves.

As documented in our report, [No Safe Place](#), their present day equivalents - such as sit-lie laws, anti-sleeping bans, and anti-panhandling laws - are now the tools that cities use to drive people they consider undesirable away or at least out of sight.

As [Jeff Olivet notes](#), the national dialogue about race must include not only its connection to poverty but also to the most extreme manifestation, homelessness.

Fighting the criminalization of race, poverty and homelessness - and for greater equality - is one place to start.

Good News in Education!

After more than a decade, **the Education for Homeless Children and Youth Program under the McKinney-Vento Homeless Assistance Act gets a long-awaited update.** With strong bipartisan support, this law was recently reauthorized on December 10, 2015 through the Every Student Succeeds Act, which gives states more local control to improve their schools. **The updates reflect many of the changes the Law Center and other advocates requested and will be effective starting July 1, 2016.** The amendments, which recognize the complex barriers homeless children and youth face in enrolling, attending, and succeeding in school, create additional obligations for state and local educational agencies to meet their needs. The Law Center provides [resources to help](#) advocates and the families of homeless students enforce the right to equal access to public education. We will also work closely with federal and national partners to provide strong guidance and to ensure proper implementation of the law.

For more information on specific updates to the education provisions of the McKinney-Vento Homeless Assistance Act, [click here.](#)

Personal Reflections on the Point-in-Time Count - Eric Tars, Senior Attorney -



Picture from [@FatherDevlin](#) and can be found [here](#).

Each January, thousands of volunteers across the country spend a cold night on the streets counting people experiencing homelessness for the Department of Housing and Urban Development's annual Point-in-Time (PIT) count. **Although the Department itself acknowledges the count is imperfect and an undercount, the numbers are nonetheless cited over and over by policymakers and the media as evidence of progress, or lack thereof, in ending homelessness.**

This year, I participated in a PIT count in Philadelphia run by our friends at [Project HOME](#). They had a fantastic turnout of more than 400 volunteers who were able to cover all of Philadelphia's zip codes. But despite that, the experience made even clearer to me that the numbers the count reveals are misleading at best.

My zone for the count was Philly's upper-northwest neighborhoods of East Falls, Manayunk, and Roxborough, mostly row homes with some big parks and a few commercial strips. Homeless people in these neighborhoods wouldn't be on sidewalks in front of buildings, they'd be in alleyways or the parks. But the training materials explicitly stated "**No parks, alleys, abandoned buildings, etc.**" out of concern for the volunteers' safety. My team saw not a single homeless person. **That does not mean they don't exist in the zip codes we covered, but that all the likeliest places where they would have been, we were not supposed to go.**

Additionally, it was mostly by chance that a few of the people on my team lived in the area we were covering, but our team leader did not. He did not have guidance on where we should look, and it was our best guess as to where to go. It was a large area to cover, so we mostly drove around the commercial strips, looking for people at 24-hour laundromats and convenience stores, and alongside the parks, but we didn't even venture into many neighborhoods. **The lack of consistent, or any, methodology for covering this neighborhood means that meaningfully comparing one year's data to the next would be next to impossible.**

Finally, it was below freezing out, so those homeless individuals who could, I'm sure, were doubling up for the night. **These are not long-term arrangements, but it gets them out of our sight (and HUD's definition) at least for the night.** Philly has all-night homeless cafes in addition to shelters, so possibly the cold helped boost the numbers of more easily identifiable homeless people in shelter and the cafes. But on balance I think counting in January promotes an undercount.

The exercise was still useful, because it mobilized a large number of volunteers to help Project HOME identify many homeless people and connect them with services and it did collect some useful data. But the experience reaffirmed to me that the methodology (and lack thereof) creates **unreliable and incomplete data - built in as part of the process.** This would not be a problem if these inadequacies were regularly acknowledged, but as the numbers are tallied, I'm sure you'll see headlines around the country touting increases or decreases in the count without any discussion of the methodology. That, I believe, does a disservice to those experiencing homelessness as it may prematurely diminish the sense of urgency needed to ensure we all have a safe, dignified place to call home.





University of Michigan's *Journal of Race & Law* will host a symposium on February 19th and 20th, entitled "[Innocent Until Proven Poor](#)." The symposium will bring scholars and practitioners together to discuss the interaction between poverty and the criminal justice system, including the aggressive policing of poor, often minority, neighborhoods. Along with a number of panel discussions, the symposium will provide attendees with the opportunity to engage experts in breakout discussions and skill-building workshops.

Featured speakers include the Law Center's Senior Attorney, **Tristia Bauman**, who will present on our work to combat the criminalization of homelessness and to promote constructive solutions to the problem, drawing upon the successes of communities who have achieved functional zero on veteran homelessness. **The keynote speaker will be Vanita Gupta, Assistant Attorney General of the Civil Rights Division of the U.S. Department of Justice**, and author of the recent Statement of Interest brief that condemned as unconstitutional the arrests of homeless people for sleeping outside when they had no other alternatives.

**Our Founder & Executive Director to Receive the
Prestigious 2016 Katharine and George Alexander
Law Prize!**



The Founder and Executive Director of the National Law Center on Homelessness & Poverty, [Maria Foscarinis](#), will be the recipient of the 2016 Katharine and George Alexander Law Prize from Santa Clara University School of Law. The award honors top legal advocates who have used their careers to help alleviate injustice and inequity. The Alexander Law Prize will be presented on March 21 at Santa Clara University's Adobe Lodge. To read the full press release, [click here](#).

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.

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