

IN JUST TIMES

a publication of the

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



Changing Laws, Changing Lives

October 2017



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Dear Friends,

As recent hurricanes devastated communities in Texas, Florida, and Puerto Rico, displacing thousands, the Law Center mobilized to help. We were disheartened to see the mistreatment of previously homeless people—both during and after the disasters.

In some cases, laws to help homeless people have been extraordinarily useful in ensuring newly displaced people have access to resources post-disaster. For example, recently displaced children can still attend school under the McKinney-Vento Act, and we were glad we could [offer our expertise](#) to help those affected by the storms.



Maria Foscarinis
Executive Director

However, as emergency shelters opened for those displaced by the storms, many of those who had already lost their homes—due to eviction, job loss, domestic violence, and other such man-made disasters—were met with a very different response, as I describe in my recent [opinion piece in *Talk Poverty*](#), co-produced with the Economic Hardship Reporting Project (I sit on its national advisory board).

In several Florida communities, previously homeless people were tagged with yellow bracelets, and those made homeless by Irma were warned to stay away from them. One woman [described her experience](#) to a local service provider: “The treated me like I was non-human, insulted me and others... [They] separated us from other people.”

In Houston, people who were homeless before Harvey hit were deprioritized for federal disaster assistance. As a spokeswoman for the Federal Management Assistance Agency (FEMA) wrote in an email to Reuters: “If an individual was homeless pre-disaster, they may not be considered for Housing Assistance and Other Needs Assistance, which both require successful verification of pre-disaster occupancy.”

In Puerto Rico, our friends tell us that the differences in treatment are not so stark. But because virtually the entire island is still suffering, it is too soon to tell for sure.

Meanwhile, we at the Law Center are working with our national, state, and local allies to press Congress, FEMA, and HUD to take action to prevent this unequal treatment in the future—and to ensure a more equitable recovery.

Ultimately, the question we must ask ourselves is why the response to homelessness caused by natural disasters is so very different—in urgency, scale, and compassion—than the response to the homelessness caused by man-made disasters.



Maria Foscarinis
Founder & Executive Director

NFL's Vernon Davis, U.S. Senator Cory Booker, to Be Honored at 2017 McKinney-Vento Awards

By Maggie Ardiente, Development & Communications Director

Tickets are going fast for the McKinney-Vento Awards, to be held Tuesday, October 24, 2017, at 6:00pm at the Liaison Capitol Hill Hotel in Washington, D.C. Honorees include NFL player Vernon Davis, U.S. Senator Cory Booker, the law firm of Simpson Thacher & Bartlett LLC, and advocate Juanita Rocha.

We are pleased to recognize our generous sponsors at the Justice Patron level and above: the San Francisco 49ers; Jeffrey & Kendra Simes; Bruce & Lori Laitman Rosenblum; Latham & Watkins LLP; Porterfield, Fettig & Sears LLC; Simpson Thacher & Bartlett LLP; Bank of America; Fried, Frank, Harris, Shriver & Jacobson LLP; the NFL Foundation; Sidley Austin LLP; Sullivan & Cromwell LLP; and United Airlines.

Become a sponsor and receive special benefits including reserved seating, public recognition, an advertisement in our program book, and more. Sponsorships start at \$1,000 and are due October 19 for inclusion in our program book. For more information, and to purchase tickets, visit www.nlchp.org/mvawards.

VAWA Housing Protections in Action for Domestic Violence Awareness Month

By Eric Tars, Senior Attorney

The strong statutory and regulatory protections the Law Center helped put in place for victims of domestic violence in the Violence Against Women Act (VAWA) kept a survivor in her home last month after a judge relied on the law to rule in her favor in *Johnson v. Palumbo*. Ms. Johnson was evicted from her voucher-funded apartment for failing to add another occupant, Mr. McGill, to her lease. McGill, according to Johnson, was abusive and controlling towards her, taking her keys and using her apartment without her consent. The Housing Authority ruled that since Johnson did not initially report she was a domestic violence survivor and did not provide third-party documentation of her abuse, the Agency had the right to evict her based on her failure to account for an unauthorized occupant.

With the assistance of Jared L. Gilman and Vinita Kamath of [Legal Services of the Hudson Valley](#), Ms. Johnson appealed her case to the New York Supreme Court. Based on the victim-centered standards the Law Center helped to create, the court emphasized:

To uphold a conclusion that the petitioner violated her obligation...by failing to seek permission to add McGill as an occupant would place her in the untenable position of having to either choose between becoming more deeply embroiled in an abusive situation by legitimizing his presence in the contract unit, or facing the loss of the housing assistance benefits she relies upon for herself and her five children. This is a choice that a domestic violence victim should not have to make, and we decline to read the VAWA in such a way, which is plainly inconsistent with its salutary purposes.

The Law Center celebrates this victory as part of its recognition of Domestic Violence Awareness Month and is thrilled that hard work at the federal level is having its intended effect in preventing homelessness for victims of domestic violence across the country.

Enforcing Title V, Law Center Succeeds in Making Unused Federal Property Available to Homeless Service Organizations

By Faraz Siddiqui, Sidley Pro Bono Fellow

This month, the Law Center and a local partner achieved another first in their efforts to enforce Title V of the McKinney-Vento Act. Under Title V, homeless service providers get priority access to unused properties held by federal agencies. Before it can dispose of any such property, the government has to hold it for 30 days to see if any homeless service providers are interested in the property and, if so, give them the property for free.

But there's a catch—or several catches. First, the Department of Housing & Urban Development (HUD) has to determine that the property is suitable for homelessness services. Second, the agency that owns the land, often the General Services Administration (GSA), has

to determine that the property is available—that is, that other federal agencies do not have a need for it. Finally, the Department of Health and Human Services (HHS) requires homeless service providers to go through a long and onerous application process. It is no surprise then that only a fraction of organizations that apply for suitable and available properties end up getting the property.

In Colorado, HUD recently determined that a certain federally-owned property near Denver was not suitable to be used for homelessness purposes. This frustrated the interests of the Colorado Coalition for the Homeless (CCH), a local homeless services provider who had their eyes set on this property. CCH contacted the Law Center for help in challenging HUD’s “suitability” determination in court. Working with a pro bono partner firm, Morrison Foerster, the Law Center helped support the legal challenge, and CCH obtained a temporary restraining order preventing GSA from selling the property until HUD reconsidered its suitability designation. Then, in late September, HUD revised its suitability determination, opening the door for CCH to apply for this property.

Protecting the Rights of People Experiencing Homelessness in D.C.



Work on the Michael A. Stoops Anti-Discrimination Amendment Act of 2017 continues! The Law Center, together with People for Fairness Coalition and National Coalition for the Homeless, met with the office of D.C. Councilmember Brianne Nadeau to discuss the D.C. Human Rights Act which, if passed, would protect persons experiencing homelessness from discrimination.

NEWS from the LAW CENTER

Law Center Develops Policy Recommendations to Congress, Ensuring Federal Funds Don't Discriminate Against Homeless People

The Law Center worked with the National Low Income Housing Coalition's (NLIHC) Hurricane Housing Recovery Coalition (Coalition) to develop a set of policy recommendations to [Congress](#), the [U.S. Department of Housing and Urban Development \(HUD\)](#), and the [Federal Emergency Management Agency \(FEMA\)](#). Together with NLIHC and other members of the Coalition, the Law Center met with Congressional staffers to discuss the recommendations, particularly how individuals and families already experiencing homelessness prior to the disasters could fully benefit from recovery efforts. The Law Center received [reports](#) of shelter staff and personnel treating homeless persons differently. The Law Center is working with partners to ensure that federal funding and resources are not used to segregate homeless persons but instead used to better plan and prepare for future disasters to address the needs of this vulnerable population.

ESSA State Plans Include Law Center Recommendations; Will Conduct Independent Review

Last month, the remaining thirty-three states and Puerto Rico submitted their state plans as required under the Every Student Succeeds Act (ESSA). Prior to submission, the Law Center submitted comments to the [California Department of Education's \(CDE\)](#) and [Texas Education Agency's \(TEA\)](#) state plans, highlighting areas where California and Texas can, and should, improve their state plans—and some of our recommendations were accepted. Now that all state plans have been submitted, the U.S. Department of Education (ED) will review and decide whether to accept them. The complete list of submitted and accepted state plans is available [here](#). The Law Center is conducting its own independent review of the Education for Homeless Children and Youth Program section of all the state plans to determine compliance with federal laws, including noting the difference between what the states submitted and ED accepted and will release its findings in the next few months.

Law Center Develops McKinney-Vento Educational Resources Post-Hurricanes

The Law Center has been working tirelessly to ensure students displaced by disaster experience the least disruption to their education as possible. Access to school is critical for displaced students who are McKinney-Vento eligible because schools could be the gateway for students to access other needed supports and services. If you were not able to participate in either webinar addressing the legal needs of displaced students, [listen to them here](#) or view [our one-pager](#) explaining eligibility, rights, and where to find assistance in education matters post-disaster.

Maria Foscarinis Joins Board of Advisers of the Economic Hardship Reporting Project

Law Center Founder and Executive Director Maria Foscarinis has joined [the Board of Advisers of the Economic Hardship Reporting Project](#) (EHRP), founded by *Nickel and Dimed*

author Barbara Ehrenreich and sponsored by the Institute for Policy Studies. Foscarinis joins fellow advisers Katherine Boo, writer at *The New Yorker*; Matthew Desmond, author of *Evicted*; and Robert Reich, past U.S. Secretary of Labor, among others.

Endorse the Housing Not Handcuffs Campaign

Our Housing Not Handcuffs Campaign continues to grow! The campaign currently has nearly 600 endorsements, including from former U.S. Attorney General Eric Holder and NYC Council Member Stephen Levin. [Endorse the campaign](#) if you haven't already, and

encourage others to join you in supporting an end to the criminalization of homelessness!

**HOUSING
NOT HANDCUFFS**

NLCHP in the Media

Progressive Magazine (Oct. 6): ['We Are Vehicle Dwellers'—Portraits from Living on the Road](#)

Detroit Journalism Cooperative (Sep. 27): [Poor in Michigan with No ID](#)

Honolulu Civil Beat (Sep. 26): [The Big Island's First Legal Homeless Camp—Safe Zone or Shanty Town?](#)

The Economist (Sep. 21): [Anti-Vagrancy Laws Are Not the Best Way to Reduce Homelessness](#)

Daily Press – Hampton, VA (Sep. 19) [Begging the Question](#)

Akron Beacon Journal (Sep. 18): [For Now, Akron's Largest Tent City is Here to Stay](#)

Salt Lake Tribune (Sep. 18): [Who Is Being Arrested in Operation Rio Grande?](#)

Chicago Tribune (Sep. 10): [Feds, Texas Offer Choices for Students Homeless After Harvey](#)

Maria Foscarinis' Op-Ed in Talk Poverty

Read and share Founder & Executive Director Maria Foscarinis' latest opinion editorial in *Talk Poverty*: [How Hurricane Response Efforts Are Sorting People into Deserving and Undeserving Poor](#)

Events

2017 National Meeting of the Housing Justice Network

Law Center Attorney Michael Santos spoke on just cause ordinances and Senior Attorney Eric Tars spoke on criminalization at the [2017 National Meeting of the Housing Justice Network](#) in Washington, D.C. on October 12 and 13. The Law Center's advocacy on renters' rights is made possible by the support of the Oak Foundation.

Pro Bono Week – October 22-28, 2017

The Law Center is proud to celebrate Pro Bono Week alongside our LEAP ([Lawyers' Executive Advisory Partners](#)) members and pro bono partner firms! We are grateful to the hundreds of attorneys who volunteer their skills and professional expertise to support the Law Center, and we appreciate the financial support of LEAP members who make possible our ability to provide high-quality, high-impact pro bono projects to your firms.

Thank you to our 2017 LEAP Member Firms: Akin Gump Straus Hauer & Feld LLP; Arent Fox LLP; Covington & Burling LLP; Debevoise & Plimpton LLP; Dechert LLP; Goldman Sachs Group, Inc.; Goodwin Procter LLP; Hogan Lovells US LLP; Latham & Watkins LLP; Microsoft Corporation; Schulte Roth & Zabel LLP; Sheppard Mullin Richter & Hampton LLP; Sidley Austin LLP; Simpson Thacher & Bartlett LLP; Sullivan & Cromwell LLP, and WilmerHale.

Hunger & Homeless Awareness Week – November 11-19

This year's [Hunger & Homelessness Awareness Week](#) will be November 11-19, sponsored by the [National Coalition for the Homeless](#) and the [National Student Campaign Against Hunger and Homelessness](#). More than 700 community organizations, churches, high schools, college groups, and others will be participating. You can participate by [hosting your own events](#) or [finding events near you](#). Participants across the nation are encouraged to speak up against policies that make it a crime to be homeless. [Learn more](#).

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