

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

.....

HOUSING NOT HANDCUFFS

National Forum on the Human Right to Housing

.....

June 27, 2018 • Washington, D.C.

Hosted by Sidley Austin LLP

#Right2HousingForum



ACKNOWLEDGMENTS

The National Law Center on Homelessness & Poverty would like to thank our host, Sidley Austin LLP, for its generosity, with particular thanks to Mark Herzog and Ed McNicholas.

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2018 NATIONAL FORUM ON THE HUMAN RIGHT TO HOUSING AGENDA

Wednesday, June 27, 2018

8:00 - 9:00 Breakfast & Registration (Location: C.1 & C.2)

8:30 - 9:00 Pre-Forum Short Film & Discussion: *Move Along to Where? The Tiny House Movement*

P.J. D'Amico, The Buck Foundation
Ibrahim Mubarak, Right 2 Survive

9:00 - 9:20 Welcome Remarks (Location: C.1 & C.2)

Paul Zidlicky, Pro Bono Counsel, Sidley Austin LLP
Robert Warren, People for Fairness Coalition and Board Member, National Law Center on Homelessness & Poverty
Maria Foscarinis, Executive Director, National Law Center on Homelessness & Poverty

9:30 - 10:30 Successes and Challenges (Location: C.1 & C.2)

This plenary session will highlight some important victories (and ongoing challenges) in the fight for Housing Not Handcuffs from the past year. Invited speakers will discuss the successful fight for a right to counsel in housing court in New York City; litigation in Orange County, CA that stopped a planned sweep of an 800-person homeless encampment until the county provided alternative shelter; the Housing Not Warehousing bills in New York City that will help put vacant properties to use as housing; and the Washington State legislation that helps protect homeless students' access to education. We will also encourage attendees to briefly share their own recent victories or new challenges!

Randy Dillard, RTCNYC Coalition
Mo George, Picture the Homeless
Carol Sobel, Law Office of Carol Sobel
Eric Tars, National Law Center on Homelessness & Poverty
Mary Van Cleve, Columbia Legal Services

10:45 - 11:45 Preaching Beyond the Choir: Speaking to Be Understood (Location: C.1 & C.2)

This plenary session will feature a local elected official, a law enforcement officer, and a representative of an organization promoting local business discussing how advocates can tailor their messaging around homelessness, housing, and criminal justice to resonate with these different audiences to help promote constructive housing and service policies over criminalization of homelessness.

Wendell M. France, Sr., MD Department of Public Safety and Correctional Services, Retired Major, Baltimore Police Department
Linda Kaufmann, DC Business Improvement District
Rob Robinson, New York City Continuum of Care
Heidi Wegleitner, Dane County Board of Supervisors

11:45 - 12:45 Lunch Keynote (Location: C.1 & C.2)

Leilani Farha, UN Special Rapporteur on the Human Right to Adequate Housing

12:45 - 1:00 Break & Transition

1:00 - 2:15 Breakouts: Defining Challenges, Sharing Tools, Strategizing for Future Advocacy

• **Panhandling (Location: Room 6.010)**

This breakout session will offer an opportunity to discuss the current state of the law around panhandling ordinance. Many current ordinances are particularly vulnerable to legal challenge, but some communities are getting more sophisticated to evade constitutional scrutiny. The Law Center will share new resources to help capitalize on the current precedent, and a new strategic campaign to try to get as many of these ordinances struck down as possible, and offer participants an opportunity to help make this campaign as effective as possible. This session will offer an opportunity to begin to dig into complicated questions around anti-panhandling strategy and identify additional ones for future discussion.

Maggie Ardiente, National Law Center on Homelessness & Poverty
Bob Erlenbusch, Sacramento Regional Coalition to End Homelessness
Amy Horton-Newell, ABA Commission on Homelessness & Poverty and Montgomery County Interagency Council on Homelessness
Michelle Movahed, McCarter & English
Eric Tars, National Law Center on Homelessness & Poverty
Jocelyn Tillisch, Seattle University School of Law

• **Encampments (Location: C.2)**

Homeless encampments are on the rise, and most are under constant threat of destruction. Join us for a discussion of findings and policy recommendations from our Tent City USA report, the first national survey of policies affecting people living in encampments. We will also have a conversation about what is working—and what is not—to end homelessness for people living in encampments. We will identify areas for improved collaboration between litigators, organizers, and other advocates, and also identify new research and tools to help us meet our advocacy goals.

Tristia Bauman, National Law Center on Homelessness & Poverty
Paul Boden, Western Regional Advocacy Project
Ibrahim Mubarak, Right 2 Survive
Evanie Parr, Seattle University School of Law
Carol Sobel, Law Office of Carol Sobel
Pete White, Los Angeles Community Action Network

• **Renters' Rights (Location: C.1)**

*Renters' rights, like a right to counsel in eviction cases, are proven to prevent homelessness and save communities money. Join us for a discussion of the findings and recommendations from our latest report, **Protect Tenants, Prevent Homelessness**, and for a conversation about how to strengthen the link between renters' rights and homelessness prevention. We will explore opportunities and resources for coordinated advocacy to advance renters' rights policies within the context of homelessness prevention.*

Randy Dillard, Bronx Tenants
Eric Dunn, National Housing Law Project
Janet Hostetler, National Law Center on Homelessness & Poverty
Tony Romano, Right to City Alliance

• **Youth Roundtable (Location: Room 6.005)**

Laws, policies, systems, and environments at the local, state, and federal levels affect youth experiencing homelessness in different ways. This session will identify gaps and problems that stymie efforts to prevent and end youth homelessness. Participants will also identify solutions and discuss best practices and recommendations to coordinate ongoing efforts to address youth homelessness at the local, state, and federal levels.

Michael Santos, National Law Center on Homelessness & Poverty (Facilitator)

2:15 - 2:30 Break

2:30 - 3:45 Breakouts (continued)

- **Panhandling** • **Encampments** • **Renters' Rights Policy & Organizing** • **Youth Roundtable**

4:00 - 5:00 Report Back & Next Steps (Location: C.1 & C.2)

Eric Tars, National Law Center on Homelessness & Poverty (Facilitator)

5:00 - 5:15 Closing Remarks (Location: C.1 & C.2)**5:30 - 7:30 Reception (Location: Rooftop, weather permitting)****SPEAKER BIOGRAPHIES****WELCOME REMARKS**

Paul Zidlicky is the DC pro bono chair at Sidley Austin LLP. His cases in civil and appellate litigation arise in areas including products liability, constitutional law, multidistrict litigation, arbitration and administrative law. Paul represents an equally wide variety of clients, which include energy companies, accounting firms, manufacturers, financial institutions, transportation

companies and religious institutions. He has argued before the United States Supreme Court, has filed briefs seeking, supporting, and opposing certiorari and has briefed cases on the merits for parties and *amici curiae*. He is also co-chair of the firm's Religious Institutions Practice. Paul has worked extensively across disciplines within the legal field and the Law Center looks forward to his welcome remarks.



Robert Warren is the director of the People For Fairness Coalition, a DC-based advocacy group which works to end housing instability for individuals experiencing homelessness through outreach and mentoring. Robert was homeless from 2008 to 2018 and has become one of the most vocal advocates for the rights of D.C. residents experiencing homelessness. He is a

lifelong DC resident and the Planning Committee Co-Chair at the National Law Center on Homelessness and Poverty.



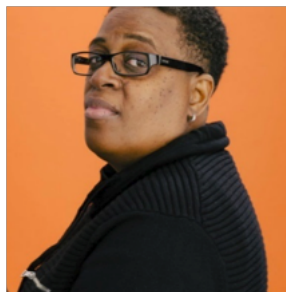
Maria Foscarnis is the founder and executive director of the National Law Center on Homelessness & Poverty. Maria has advocated for solutions to homelessness at the national level since 1985. She is a primary architect of the Stewart B. McKinney Homeless Assistance Act, the first major federal legislation

addressing homelessness, and she has litigated to secure the legal rights of homeless persons. Maria has written widely on legal and policy issues affecting homeless persons; her work has appeared in scholarly as well as general audience publications. She speaks and regularly lectures on law, public policy and homelessness and is frequently quoted in the media. She serves on the Board of Advisers of the Economic Hardship Reporting Project, and is Lecturer in Law at Columbia Law School.

SUCSESSES AND CHALLENGES PANEL

Randy Dillard advocates for tenants' rights as a steering committee member of the Right to Counsel Coalition and leader of Community Action for Safe Apartments (CASA). Randy was inspired to fight for tenants' legal support after nearly losing his own New York City home to eviction efforts from his landlord, stating that having a lawyer in

housing court made the difference between winning his case and living in a shelter. CASA, which forms part of the Right to Counsel Coalition in New York City, has advocated to guarantee defendants in eviction cases across New York City the right to counsel since its establishment in 2014.



Mo George is the executive director of Picture the Homeless, a New York City-based organization that aims to challenge policies criminalizing homelessness through grassroots organizing, direct action, and education. Prior to joining Picture the Homeless, Mo was the NYC Community Voices Heard (CVH) Chapter Director of Organizing, with

responsibilities ranging from the preservation of public housing to supporting the need for low-income housing and participatory budgeting. As a proud product of public housing, Mo feels that her past work at CVH has helped to preserve public housing, and the campaign has won over \$700 million towards that preservation.

Carol Sobel is a solo civil rights practitioner in Santa Monica, California. Prior to going into private practice, she spent 20 years working in various positions for the ACLU, including as senior staff attorney for the last seven years she was there. She is a member of the National Police Accountability Project Board of Directors, serves as local counsel for the *Center for Constitutional Rights in Humanitarian Law Project v. Ashcroft* and has been named one of Los Angeles' Super Lawyers for Civil Rights since 2002.



Mary Van Cleve is an attorney at Columbia Legal Services, a legal aid organization in Seattle, Washington that focuses on statewide system change through legislative, administrative, and litigation advocacy on behalf of people in poverty. Her practice seeks systemic change in laws and policies impacting homeless youth, foster care youth, juvenile justice-involved youth, immigrant youth, and other at-risk youth. Mary has been with Columbia Legal Services since 2013. Prior to that, she had her own social justice law practice where she represented over five hundred youth in the foster care, juvenile justice, and children in need of services (CHINS) court systems.

PREACHING BEYOND THE CHOIR PANEL



Wendell M. France's career in law enforcement began in 1970 as an officer with the Baltimore Police Department. He served for 27 years and retired as a Commanding Officer of the Eastern District, where his leadership resulted in an overall 42 percent reduction in crime. In 1997, France began work with Maryland Department of Public Safety and Correctional Services as an Assistant Warden at the Baltimore Central Booking and Intake Center. He later served as the Commissioner of the Pretrial Detention and Services Division before he rose to the position of Deputy Secretary. France is currently President of France-Booker Consulting Group, LLC. He holds a B.S. and M.S. from John Hopkins University.



Linda Kaufmann joined the DC Business Improvement District as their Director of Homeless Services in November 2017, bringing over 30 years of experience to the organization in its pursuit of ending homelessness. Previously, she served as National Movement Manager at Community Solutions, working to engage individuals, communities, and organizations in large-scale social change to end homelessness. Linda has worked in homeless services in DC since the mid-1980s, including as chief operating officer of Pathways to Housing DC. Linda received a Masters of Divinity at Virginia Theological Seminary, is ordained as an Episcopal priest, and ministers at St.

Stephen and the Incarnation Episcopal Church in Washington, DC.



Rob Robinson is a staff volunteer at the National Economic & Social Rights Initiative, a.k.a. NESRI, a human rights organization based in New York City. He is a 10-year voting member on the New York City Coalition on the Continuum of Care which oversees the administration and distribution of \$110-120 million annually in McKinney-Vento funding. He spent two years homeless on the streets of Miami and ten months in a New York City homeless shelter. Since 2007, Rob has worked with land and housing movements around the world.



Heidi Wegleitner represents District 2 on the Dane County Board of Supervisors. She has been a leader for housing justice and recently led efforts to oppose a \$76M county jail project and instead invest in permanent supportive housing and community based mental health care. She is a staff attorney at Legal Action of Wisconsin, Inc., where she has been practicing housing law for twelve years and currently coordinates an eviction defense project at the Dane County Courthouse.

KEYNOTE SPEAKER



Leilani Farha is the executive director of the NGO Canada Without Poverty (CWP), where she works to promote a human rights-based approach to poverty. In 2014, Leilani was appointed as the United Nations Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living. Prior to joining Canada Without Poverty, Leilani was the executive director of the Centre for Equality Rights in Accommodation for twelve years, where she helped launch a historic legal challenge seeking the implementation of UN recommendations for addressing homelessness as a violation of human rights. She is known internationally for her work on housing rights and women's economic and social rights.

PANHANDLING BREAKOUT



Maggie Ardiente is the director of development and communications for the National Law Center on Homelessness & Poverty, where she leads the organization's fundraising efforts through annual and major gifts, special events, corporate and law firm giving, and foundation relations. She also manages the organization's public and media relations and online presence. Maggie previously worked for twelve years as the director of development and communications at the American Humanist Association and the senior editor of its online news site, TheHumanist.com.



Bob Erlenbush is the executive director of the Sacramento Regional Coalition to End Homelessness, after previously serving as the executive director for the Los Angeles Coalition to End Hunger and Homelessness. Mr. Erlenbush is also the board president of the National Coalition for the Homeless and is an Adjunct Professor at USC's

School of Social Work.



Amy Horton-Newell has served as the director of the American Bar Association Commission on Homelessness & Poverty since 2001. She coordinates ABA policy development and programming related to the special legal needs of people experiencing homelessness and poverty, and collaborates with

advocacy groups, associations, and government agencies to provide technical assistance and address issues related to homelessness and poverty. She also developed and leads the ABA Homeless Youth Legal Network; serves on the Montgomery County, MD, Continuum of Care; and currently chairs the Montgomery County Interagency Commission on Homelessness.



Michelle Movahed is the pro bono director at McCarter & English, LLP. She is responsible for managing the pro bono program in a manner that strategically and effectively implements the firm's commitment to providing free legal services to those who cannot afford them. Ms. Movahed is an experienced social justice lawyer who has worked with

and for marginalized and vulnerable communities throughout the United States. From 2007-2014, Ms. Movahed was an attorney in the U.S. Legal Program at the Center for Reproductive Rights, where she litigated high-profile federal and state cases challenging restrictions on women's constitutionally-protected

access to care. She also worked in the Special Litigation Unit at the New York Legal Assistance Group and as an adjunct professor at Cardozo Law.



Eric Tars serves as the Law Center's senior attorney, focusing on human rights and children's rights programs. In his human rights capacity, he works with homelessness and housing advocacy organizations to train and strategically utilize human rights as a component of their work. In his youth rights capacity, he works to protect homeless students' rights to education and advocates for homeless youth and families through trainings, litigation, and policy advocacy at the national and local levels. Before coming to the Law Center, Eric was a Fellow with Global Rights' U.S. Racial Discrimination Program and consulted with Columbia University Law School's Human Rights Institute and the US Human Rights Network.

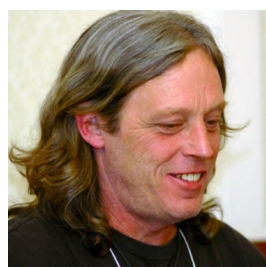


Jocelyn Tillisch is a second-year student at the Seattle University School of Law. As a passionate advocate of social justice issues, she hopes to use her legal education to help advocate for equality and access to justice. She recently co-authored a brief researching restrictions on panhandling throughout Washington State as part of the Seattle University Homeless Rights Advocacy Project.

ENCAMPMENTS BREAKOUT



Tristia Bauman, senior attorney at the Law Center, combines litigation, legal education, and legislative advocacy strategies to prevent and end homelessness. Her work focuses on combating the criminalization of homelessness and advocating for laws that protect the civil and human rights of homeless people. Tristia also conducts legal trainings around the country, writes reports and other publications related to housing, and serves as a legal resource for homeless advocates. Tristia began her law career at Legal Services of Greater Miami, Inc. as a housing attorney working with low-income tenants in federally subsidized housing. She later served for several years as an Assistant Public Defender in Miami-Dade County.



Paul Boden is the executive director of the Western Regional Advocacy Project. After becoming homeless at the age of 16, Paul began volunteering at a drop-in shelter in San Francisco in 1983 and eventually became a program director there. He then worked as a case manager in a supportive hotel program for mentally

ill people. Paul served as executive director of San Francisco's Coalition on Homelessness for 16 years and was a founder of the Community Housing Partnership, a nationally recognized permanent housing corporation with optional supportive services. Paul was also a board member of the National Coalition for the Homeless and co-chair of its civil rights and grassroots organizing workgroup.



Ibrahim Bilal Mubarak is the president of the Western Regional Advocacy Project Board. A long-time homeless rights activist, he helped found both Dignity Village and Right 2 Survive in Portland, Oregon. He is also a leader in Right 2 Dream Too, a non-profit organization which runs a space where people can rest or sleep safely and undisturbed.



Darren O'Connor, is a Boulder, Colorado-based activist, who works with advocacy groups including Denver Homeless Out Loud, Boulder Rights Watch, and Boulder Outreach for Homeless Overflow. In 2012, he became a member of the Colorado Foreclosure Resistance Coalition (CFRC), an advocacy group that aims to stop predatory lending practices and wrongful foreclosures. He writes for publications including the Boulder Daily Camera and is currently pursuing a law degree as a Chancellor's Scholar at the University of Denver Law School.



Evanie Parr is a second-year student at the Seattle University School of Law, where she writes for the Law Review as a Lead Article Editor. She is part of the Seattle University Homeless Rights Advocacy Project and recently published a brief titled "It Takes a Village: Practical Guide for Authorized Encampments," summarizing the challenges and opportunities encountered by various encampments along the west coast of the United States.

Carol Sobel (*Bio under "Successes and Challenges Panel"*)

RENTERS' RIGHTS BREAKOUT

Randy Dillard (*Bio under "Successes and Challenges Panel"*)



Eric Dunn is the director of litigation at the National Housing Law Project. He is a national expert on tenants' rights and consumer law issues, known for high-impact advocacy on matters affecting subsidized housing tenants and families struggling to access housing because of criminal and eviction records. Prior to his work with NHLP, Eric was an attorney with the Virginia Poverty Law Center, the Northwest Justice Project in Seattle, and the

Legal Aid & Defender Association of Detroit.



Janet Hostetler, deputy director of the National Law Center on Homelessness & Poverty, drives legal and policy strategies to end and prevent homelessness and to protect the rights of people experiencing homelessness. This includes work to end the criminalization of homelessness, protect the educational rights of children experiencing homelessness, and end homelessness through increased access to housing. Janet also oversees the Law Center's operations, including human resources, budget, and strategic planning. Prior to joining the Law Center, Janet was chief of staff of HUD's Office of Fair Housing and Equal Opportunity, where she coordinated major priorities for the 500+ person civil rights office.



Tony Romano is the director of organizing and strategic partnerships at the Right to the City Alliance (RTC). A native of Georgia, Tony began organizing in 1993 with the Amalgamated Clothing and Textile Workers and UNITE. He was schooled in politics and organizing as an English teacher in South Africa during the struggle against apartheid. He led a major labor/civil rights campaign against the Kmart Corporation in Greensboro, North Carolina and arrived in Florida in 1996 to join an effort to unionize area nursing home workers. In 1999, Tony co-founded the Miami Workers Center. He has served as a lead on the RTC Housing work group that facilitated a participatory grassroots process that produced a national research report, *We Call These Projects Home*.

YOUTH ROUNDTABLE



Michael Santos is an attorney at the Law Center whose work focuses on advocating for homeless youth access to education through public education, impact litigation, and policy advocacy. Prior to joining the Law Center, Michael Santos has had a long history of working on the rights of low-income and underrepresented communities through the Department of Health and Human Services and various non-profit organizations. Most recently, he was a fellow at the Clinton Foundation where he worked on an initiative to decrease the upward trend of childhood obesity in the United States.

HOUSING NOT HANDCUFFS

Statement of Principles

Millions of individuals, families, and youth on their own experience homelessness in this country each year and millions more lack access to decent, stable housing they can afford. Rather than providing adequate housing options, too many communities criminalize homelessness by making it illegal for people to sit, sleep, and even eat in public places, even in the absence of adequate alternatives.

People experiencing homelessness can be targeted under these laws for harassment, displacement, loss of property, threats, or criminal penalties when they live outdoors. And yet these expensive policies are ineffective at addressing homelessness or reducing the number of people who must sleep on the streets. In fact, more effective policies, such as providing affordable housing and services, actually cost less than criminalizing homelessness.

Criminalization of homelessness might mean that individuals experiencing homelessness are taken to jail, where they may remain for weeks if they cannot pay their bail or fines, perhaps losing custody of their children, property and/or employment in the process. Once released, they could have criminal records that make it more difficult to get or keep a job, housing or public benefits. Communities of color, mentally and physically disabled persons, and LGBTQ youth and adults, already disproportionately affected by homelessness, are most likely to be further marginalized by criminalization.

We agree that in order to end the crisis of homelessness, the criminalization of homelessness must end and all persons experiencing homelessness should instead have access to housing, services, and opportunities that allow them to live with dignity. This solution makes sense regardless of whether we approach the issue from a legal, moral, fiscal, or policy perspective.

Specifically, we call for local governments to:

1. Rescind or stop enforcement of all policies and practices that criminalize homelessness;
2. Protect people experiencing homelessness from discrimination and violence;
3. Adopt constructive alternatives;
4. Ensure housing for all homeless and at risk people.

We call for state governments to:

1. Adopt laws that protect people experiencing homelessness from being punished for life-sustaining activities or other discrimination;

2. Implement policies to prevent people from becoming homeless in the first place, including appropriate anti-discrimination and due process protections;
3. Ensure housing for all homeless and at risk people.

We call for the federal government to:

1. Disincentivize criminalization of homelessness through its funding, regulatory, legal, and enforcement powers;
2. Implement policies to prevent people from becoming homeless in the first place, including appropriate anti-discrimination and due process protections;
3. Ensure housing for all homeless and at risk people.

We call for the general public to:

1. Stand up for the dignity and rights of people experiencing homelessness;
2. Demand the end to all policies and practices that criminalize homelessness; and
3. Speak out for housing for all homeless and at risk people.

Values

- We work together with people currently experiencing homelessness and those who have experienced homelessness in the past.
- We are motivated by the fact that all humans have inherent dignity and that the full enjoyment of all human rights, including the right to adequate housing, are necessary to uphold that dignity.
- We define the right to adequate housing as more than simply four walls and a roof, but according to internationally-accepted standards that include: (1) security of tenure, (2) availability of services, materials, and infrastructure (3) affordability, (4) accessibility, (5) habitability, (6) location, and (7) cultural adequacy.
- We are informed by an understanding of how structures of inequality and bias facilitate the existence of extreme poverty and homelessness and this understanding must be incorporated into solutions.
- We are committed to nonviolence in all of our work. This includes engagement that acknowledges levels of homelessness, awareness of diverse experiences among advocates, and consideration for others in the words we use to express opinions, thoughts or ideas.

HOUSING NOT HANDCUFFS

NOTES

ABOUT

The National Law Center on Homelessness & Poverty is the only national legal group dedicated to ending and preventing homelessness. It works to expand access to affordable housing, meet the immediate and long-term needs of those who are homeless or at risk, and strengthen the social safety-net through policy advocacy, public education, impact litigation, and advocacy training and support. We believe all human beings have the right to a basic standard of living that includes safe, affordable housing, healthcare, and freedom from discrimination and cruelty. Visit us at nlchp.org

The Housing Not Handcuffs Campaign is a nationwide effort to end the criminalization of homelessness and promote housing solutions. We agree that in order to end the crisis of homelessness, the criminalization of homelessness must end and all persons experiencing homelessness should instead have access to housing, services, and opportunities that allow them to live with dignity. Visit us at housingnothandcuffs.org

STAFF, FELLOWS & INTERNS

Maggie Ardiente
Director of Development &
Communications

Tristia Bauman
Senior Attorney

Dejah Craddock
Development &
Communications VISTA

Nicole Davies
Database VISTA

Lisa DeBone
Development &
Communications Assistant

Janna Driskell
Policy Intern (Duke)

Amirio Freeman
Emerson National Hunger
Fellow

Maria Foscarinis
Executive Director

Janet Hostetler
Deputy Director

Rachel Lee
Networks and Events VISTA

LeGrand Northcutt
Legal Intern (University of
Richmond)

Darren O'Connor
Legal Intern (University of
Denver)

Nathaniel Pettit
Policy Intern (Brown)

Brandy Ryan
Legal Intern (University of
Michigan)

Heidi Sahmel
Operations Manager

Michael Santos
Attorney

Charlotte Schwebel
Policy Intern (Colorado
College)

Harry Seavey
Policy Intern (Yale)

Fina Short
Development &
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Eric Tars
Senior Attorney

Cassidy Waskowicz
Pro Bono Counsel

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