

# Finding home



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About twenty years ago, **Maria Foscarinis** left her job at a New York law firm to move to Washington to set up an office representing an advocacy group for the homeless. Today she runs the National Law Center on Homelessness & Poverty, a non-profit organization she founded in 1989 as the legal arm of a U.S.-wide effort to end homelessness. She shares her story with *Odyssey* readers, her reasons for choosing the law as her weapon in the battle against homelessness, and why it's important to work to eradicate it.

I first became involved with homelessness while working at Sullivan & Cromwell, a major, global law firm that represents primarily corporate clients. I was in the litigation department, in the New York office, and I volunteered to take a case; like many firms of its size, Sullivan & Cromwell had (and has) a pro bono program through which interested firm lawyers can volunteer to take cases representing indigent clients. I volunteered to take a case representing homeless families who had been wrongly denied emergency shelter, in a class action suit in federal court on Long Island, outside New York City.

Going out to visit my clients and prepare them for our case was a very powerful experience for me. Having grown up in New York, I'd been out to Long Island many times, but I'd not seen that side of it. My clients were living in cars, in abandoned buildings; whole families, sometimes two families, were living in rooms with no floors, with exposed wires hanging from the ceilings and walls. Children were living and growing up in those conditions. Long Island is mainly a wealthy suburb of New York City, but it also has pockets of extreme poverty. Of course I knew this theoretically, but seeing the reality of dire poverty so close to wealth made a lasting impact. The contrast between the resources my corporate clients had and the resources my homeless clients had was also extremely stark. The difference I could make as a lawyer for homeless people, whose needs would likely otherwise be unrepresented, became very clear.

I worked on this case, with success, for two years while also handling my regular work for the firm's corporate clients. Then I had an opportunity to go to Washington to start an office for an advocacy organization I'd worked with on the New York case. It involved a huge cut in resources, not only in my salary but also in support. I was on my own instead of with hundreds of other lawyers and support staff. But it was a chance to do something I really cared about. Three years later, I founded the National Law Center on Homelessness & Poverty to focus on using the law to end and prevent homelessness.

### A growing problem

There is consensus among most of us working on the issue, backed by research, that the leading cause of homelessness is the severe shortage of affordable housing. Federal programs that provide subsidies and other housing aid to poor people have been cut dramatically over the past twenty-five years. Currently, only about one in four of those poor enough to be eligible for federal housing assistance actually receive it. In many cities across the country, the wait for housing assistance is years long; in some places, waiting lists are so long they have been closed.

Other factors also contribute. Domestic violence is a leading cause of homelessness for women and their children in particular. Low wages also are a factor: according to a national study, during a month, forty-four percent of homeless people work at least some time, yet they don't earn enough to pay for housing. Public benefits, including aid for disabled people, are both hard to get—many eligible people don't receive the help for which they are eligible—and inadequate as well. Mental illness and substance abuse play a role, but it's the lack of treatment and a place to live that really send people with these problems into homelessness—and keep them there.

Overall, the problem of homeless is growing. This is because the major causes remain largely unaddressed and in fact many have been exacerbated. Cuts to housing programs for the poor have continued

and worsened in recent years; at the same time the cost of housing on the private market has gone up, affecting a wide range of people and pushing housing costs further out of the reach of lower-income people. Wages have remained stagnant, especially for unskilled workers; the minimum wage hasn't gone up in years. Public benefit cuts add to this, and the health care crisis contributes: for the millions without health insurance, an unexpected medical bill can mean a skipped rent payment and, in some cases, homelessness.

The measures that have been put in place to address homelessness are not insignificant: currently, the federal government provides about \$1.5 billion in funds for programs for homeless people. This assistance undoubtedly saves lives, and makes a difference for thousands of people. But it's not enough to end homelessness for the estimated 2.5 to 3.5 million men, women, and children who are homeless each year in the U.S. And it is not enough to prevent homelessness for the millions more who are extremely poor and at high risk of homelessness. This is especially true given the concomitant cuts to low-income housing and other social welfare programs for poor people. Ironically, at the same time that the Bush Administration has supported modest increases in funding for homeless people, it has pressed for much larger cuts to the programs that might prevent homelessness.

### Unfulfilled promises

A key piece of legislation is a federal law now known as the McKinney-Vento Homeless Assistance Act. When it was first passed in 1987, it was the first major federal legislation addressing homelessness. Since that time it has expanded and funding has increased significantly. But it is still the major federal response to homelessness, and it is not enough.

I was very involved in working to get this legislation enacted, and the National Law Center on Homelessness & Poverty has worked hard over the years to expand its protections and increase its funding, which is now at about \$1.5 billion. The Act funds shelter, transitional, and permanent housing; protects the right of homeless children to go to school; requires federal agencies to make surplus real property (buildings and land) available at no cost for groups to run programs for homeless people; funds a small program for homeless veterans; it also created an independent federal agency, the U.S. Interagency Council on Homelessness, to oversee the federal response. A health care program for homeless people, originally part of the act, is now a free standing program.

At the time the legislation was first passed, it was clear to all involved that this was to be a first step only—an emergency response to what Congress called a national crisis. It was to be followed by longer term relief and preventative measures. This has yet to happen. So while the McKinney-Vento Act is very important, and has expanded greatly over the years, the original promise made by Congress has yet to be fulfilled.

Policies that cut federal funding for low-income housing programs and other social assistance have been terribly detrimental.

At the local level, a harmful trend in the past few years has been what we call the "criminalization of homelessness". Many cities have enacted laws and implemented policies that essentially penalize the status of homelessness: they make it a crime to sleep, eat or even sit in public places. Since there are not enough private spaces for homeless people to perform these necessary activities—in no city is there suf-

ficient shelter or affordable housing—these laws criminally punish homeless people for activities they have no choice but to conduct in public. This is terribly unfair, and some courts have ruled such laws unconstitutional. It is also ineffective: in the absence of alternatives, people must be somewhere. Perhaps for different reasons, we agree with cities and the business groups that often drive these measures that people should not be living in public spaces. But, we believe that simply making it a crime for them to do so is not the answer. Instead, cities, business groups, advocates and homeless people should work together for real solutions that address the underlying need. NLCHP works with communities to encourage such solutions, and we have models of more constructive city responses.

Recently, there seems to be a new trend: cities are making it a crime for non-profit service organizations and ordinary people to provide food to poor and homeless people. For example, Las Vegas passed a law that made it illegal to share food in public places with anyone who looks indigent. Orlando and Dallas have passed similar laws. We and others have been challenging these laws and just recently a federal court said that the Las Vegas law was likely unconstitutional.

### Not just in America

Law can be a powerful tool for change. Enacting new laws that create new funding sources, especially for housing for homeless and very low-income people can help end and prevent homelessness. Laws can also create and protect rights. For example, part of the McKinney-Vento Act creates a right for homeless children to go to school, even if they don't have a permanent address or the papers ordinarily needed for enrollment. The law also gives them the right to continue in the school they were in before they became homeless, if their parents feel it is in their best interest. This law helps ensure access to stable education for homeless kids at a chaotic time in their lives. It also gives them a shot at breaking the cycle of homelessness and having a better future.

Another example is our recent work on the Violence Against Women Act, just enacted earlier this year. The Act includes a new housing section that NLCHP worked on, and that protects victims of domestic violence from being evicted from their housing because of the violence of their abusers. This is the kind of systemic reform through new legislation that can really get at the causes of homelessness on a large scale. Unlike serving a meal or providing a bed for the night—which are also important to the individuals that receive them—this kind of reform can make a big impact.

There are many other roles for law reform. Getting a law passed does not necessarily mean that it will be enforced and that people will benefit. For example, NLCHP just successfully concluded class action

litigation in New York on behalf of a group of about 2,000 homeless children on Long Island (a different part of it this time but still interesting to return there!) who were not being given access to school. We won an important ruling from the federal court, which sets a precedent we can use nationally, and comprehensive relief for the 2,000 children in the County school district at issue as well as state-wide. We're now doing training for county and state education agency personnel to make sure they know how to protect the rights of these children—and do so.

There is homelessness in Europe too. I can't claim expertise on the situation there, but I do know that there is some greater recognition in at least some European countries of basic economic rights for all. There is also more of a tradition for recognizing human rights, including social and economic rights such as the right to housing. One very interesting example is Scotland, which a few years ago passed national legislation with a goal of implementing a right to housing for all

homeless people in ten years. This is something that advocates there worked on with the government and that they are pleased with. What's particularly exciting to me is that they are aiming for housing—i.e., a real solution—not just shelter, which is, at best, a band-aid.

The problem even touches Greece. I think it is related to increased housing costs, changes in laws regulating rent, and increased cost of living. I think also that increased urbanization in Greece, the depopulation of rural communities, and the loss for many of the connection to the village which has meant a loss of a place of last resort where one could return during difficult times. With this is also the loosening of family ties and the informal insurance against hardship that they provide. But I think that while important, these cultural and demographic changes are the context, not the cause: Fundamentally,

there is a disconnect between cost of living and income, and a lessening commitment to social services that is making it difficult for many people to make ends meet. For people with some extra hardship—such as a lost job, health crisis, mental or physical disability, family problems—it can mean slipping into homelessness.

I think that addressing this issue before it becomes a true crisis is critically important, and that Greece could do it. Greece has a strong tradition of community that is rather different from the stance of rugged individualism often associated with the U.S. To me the idea that we help others in times of trouble—that we come together as a community and solve problems together—is part of the Greek tradition and culture. These fundamental Greek values are certainly a big part of my own motivation and commitment in my work. They could and should be translated into social policy that could make a real difference and provide a model for others.

