

When One Door Closes . . .

Shuttered military bases offer new opportunities for the homeless—with pro bono help.

By Maria Foscarinis

You've heard that the federal government is planning to close 33 major military bases in 22 states across the country. You probably know that a lot of controversy surrounds exactly which bases will be shuttered. But did you know that the military closures open an important door for those seeking to help the nation's homeless and poor?

And that's more than wishful thinking. This opportunity is expressly provided in the law governing the conversion of military bases to civilian use. Under the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, state and local governments in affected communities must form local redevelopment authorities to create a reuse plan. In doing so, they must consult with representatives of the homeless and take into account the needs of homeless people.

Groups providing services to homeless people may apply to use the former base or some portion of it. They may also negotiate a trade, giving up a claim to base property in exchange for property elsewhere or program funds or both. The redevelopment authority's plan must balance the local community's needs, including economic redevelopment and homeless assistance. To ensure compliance with the homelessness provisions, the reuse plan is subject to review by the U.S. Department of Housing and Urban Development.

Nationally, up to 3.5 million men, women, and children are homeless each year. The upcoming military base closures offer a golden opportunity to help that advocates for the homeless must not let go to waste.

ALREADY HELPING

Groups across the nation are putting the fruits of earlier base closures to good use today. Since 1994, HUD has approved 90 reuse plans, of which 53 contained provisions for homeless services. A recently released report by the National Law Center on Homelessness & Poverty includes these examples:

- In Sacramento, Calif., a former Army depot now houses a

food bank that distributes food to some 1.5 million people a month. It also provides job training to the homeless and other poor people.

- In Chicago, a nonprofit group acquired part of the Navy pier and then negotiated with the city to exchange that land—now a major waterfront tourist center—for alternate property and a cash grant. The nonprofit uses those resources to run a jobs program.

- In Galveston, Texas, former military housing now serves women fleeing domestic violence. The women receive housing and child care as they prepare for a new life.

- In Bangor, Maine, the city has converted former military housing to provide transitional housing and services to homeless families and individuals, helping some 600 people each year.

This kind of reuse of military property is particularly fitting because veterans of our armed forces account for a shockingly high proportion of the homeless population—some 30 percent of homeless adults, or about half a million each year. While the base closure program can, and should, help all homeless people, veterans have an especially compelling claim on these former military resources. For example:

- In Tucson, Ariz., a former Air Force base now serves as transitional housing for homeless veterans and their families.

- In Indianapolis, a local nonprofit group traded its right to Fort Benjamin Harrison for an alternate facility, where it provides medical, legal, and employment aid to almost 4,000 homeless veterans and others each year.

- In Alexandria, Va., a local group traded property on a former Army base for property that, under the auspices of Carpenter's Shelter, now provides shelter and day services to more than 700 men, women, and children, including veterans, each year.

ATTORNEYS WANTED

The National Law Center on Homelessness & Poverty worked with Congress to craft the 1994 base closure act and to implement its provisions in that first round of closures. Now, with the

new round of bases slated to shut down, we're teaming up with allied groups to help spread the word to potential applicants, including groups working with homeless veterans.

We're also reaching out to volunteer attorneys to help turn the law's promise into reality. Despite the statutory guarantee, gaining access to the properties is not always easy. The lands and facilities of the former bases are often valuable and attractive to a wide range of commercial and governmental entities. Sophisticated pro bono legal assistance can help level the playing field, ensuring that the proposals of homeless services providers are properly considered.

In fact, the National Law Center on Homelessness & Poverty has previously litigated aspects of the law, and local groups have sometimes had to go to court to enforce it. In Denver, for example, a nonprofit group had to litigate to enforce its agreement with the local redevelopment agency. A settlement was successfully reached, and the city transferred part of the property and allocated \$1.6 million toward the construction of low-cost housing throughout Denver.

Even when claims to property are not disputed, working out the particular use of the site—or exchanges for other property—can be complex. Fortunately, a number of private law firms have come forward. For example:

- Covington & Burling has worked with the National Law

Center on Homelessness & Poverty for more than a decade on national litigation to enforce and monitor enforcement of the two federal statutes governing conversion of vacant federal property to help homeless people. (The McKinney-Vento Homeless Assistance Act of 1987 also requires that surplus federal property be made available to serve homeless people.)

- Sidley Austin Brown & Wood has worked in partnership with the center to enforce a homeless provider's agreement in Bucks County, Pa.

- Edwards & Angell has worked with the center on behalf of a shelter for women and children at Fort Devens, Mass., to gain the full benefits of the base closure law.

To determine the final list of military properties to be shuttered, the Base Closure Commission held hearings across the country in June and July. The commission's recommendations are due to the president on Sept. 8. Pro bono advocates need to start preparing now, lest this rare opportunity for the nation's homeless be missed.

Maria Foscarinis, a lawyer, is the founder and executive director of the National Law Center on Homelessness & Poverty, a Washington, D.C.-based legal advocacy organization. For more information, reports, and resources, visit the center's Web site at www.nlchp.org.