

# IN JUST TIMES

a publication of the

NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY



*Changing Laws, Changing Lives*

September 2017



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Dear friends,

As Harvey and Irma pummeled Texas and Florida, Law Center attorneys worked tirelessly to respond to the legal needs of those affected—including [those who were already homeless before the storms and those newly homeless as a result of them](#). I'm proud and grateful that we are able to help our partners on the ground in these devastated communities.



Maria Foscarinis  
Executive Director

These natural disasters vividly remind us how vulnerable we all are. But as the immediate impact recedes, some of us are at greater risk. According to reports from our local partners, in some communities [previously homeless people were turned away from shelters](#) and turned down for federal assistance.

Natural disasters magnify the man-made disasters that were already all around us—such as the lack of safe, decent affordable housing. Low-income housing can be more vulnerable to destruction, leaving people living in it—or on the streets—even more vulnerable to the impact of natural disasters. These disparities threaten to deepen over the longer term: in the wake of so much loss of housing, there will be even more pressure of already tight housing markets—[making it even less affordable for poor and homeless people](#).

With our national and local partners, we are advocating for equitable responses to the crisis and for rebuilding that is inclusive and fair at the federal, state, and local levels. The work is far from over, and [we appreciate your support](#) as we move forward.

At the same time, we are mindful that another man-made disaster looms on the horizon, as millions of young people and their families face uncertain futures in our country. Facing the loss of lawful employment, some will also face housing instability or even homelessness.

At the Law Center, we understand that housing is a basic human right. Until it is recognized as such, vulnerable people—including many who may not expect it—remain at risk. By seeing these connections, we build the coalitions that are essential to reaching our goal of ending and preventing homelessness in America.



Maria Foscarinis  
Founder & Executive Director

### **Statements from the Law Center on Hurricane Harvey and Irma**

“In support of the relief and rebuilding efforts after Hurricanes Harvey and Irma, the National Law Center on Homelessness & Poverty will work with our local advocates and partners to ensure that people aren’t arrested simply because they lack a home, displaced children and youth receive access to education, and homeless people receive the emergency support—and permanent housing—they need.” [Read our full statements here.](#)

## **Homeless Houstonians Granted Relief from Arrests for Public Camping**

By Tristia Bauman, Senior Attorney

Homeless residents of Houston, Texas, have been granted a [temporary restraining order](#) prohibiting the city from enforcing an anti-camping ordinance against homeless people for sheltering themselves in public. The plaintiffs are represented by the National Law Center on Homelessness & Poverty, the ACLU of Texas, and LEAP member Dechert LLP as part of a constitutional challenge to two recently enacted Houston ordinances prohibiting panhandling and outdoor encampments. The lawsuit, filed in U.S. District Court for the Southern District of Texas, alleges that restrictions on speech and life-sustaining activities in public space violate homeless plaintiffs’ First, Fourth, Eighth, and Fourteenth Amendment rights.

The residents asked the court for relief after Houston Police Department officers raided a homeless encampment last month, issued citations, threatened arrest, and ordered homeless people to take down their tents despite a lack of available emergency shelter space. The temporary restraining order, issued by U.S. District Judge Kenneth M. Hoyt, states, “The evidence is conclusive that [the plaintiffs] are involuntarily in public, harmlessly attempting to

shelter themselves—an act they cannot realistically forgo, and that is integral to their status as unsheltered homeless individuals.”

A preliminary injunction hearing, originally scheduled for September 6, has been delayed in the wake of Hurricane Harvey.

## UN Committee on Rights of the Child Issues Comment on Youth Homelessness

By Eric Tars, Senior Attorney

On June 21, the UN Committee on the Rights of the Child published its [General Comment on Children in Street Situations](#), providing authoritative guidance to countries on developing comprehensive, long-term national strategies for homeless children and youth, using a holistic, child rights approach, and addressing both prevention and response.

The Law Center helped lead an international process convened by the American Bar Association Commission on Homelessness & Poverty which informed the drafting of the General Comment. In part due to the Law Center’s work, the General Comment defines the discrimination experienced by homeless youth to include “repressive efforts to prevent begging, loitering, vagrancy, running away or survival behaviors, for example, the criminalization of status offences, street sweeps or “round-ups,” and targeted violence, harassment, and extortion by police.” To remedy this, the Comment states: “Discrimination should be eliminated formally, by ensuring that a State’s Constitution, laws, and policies do not discriminate on the grounds of street situation...” The Comment also makes clear that “security of tenure is essential for preventing children from coming into street situations. This includes access to adequate housing that is safe, with access to safe drinking water, sanitation, and hygiene facilities.”

The United States is the only country that has not ratified the Convention on the Rights of the Child. However, we have signed the treaty, and our signature obligates us not to undermine the object and purpose of the treaty, and some courts have looked to the Convention even in the absence of ratification. In any event, from a policy perspective, the framework the treaty and the Comment provide are useful in pushing our own government at the federal, state, and local levels to better address the human rights of our own homeless children and youth.

## NEWS from the LAW CENTER

### **Webinar: Addressing the Legal Needs of Displaced Students Post-Harvey**

In partnership with SchoolHouse Connection, Texas Network of Youth Services, Texas Appleseed, and Texas Homeless Education Office, the Law Center hosted a [free webinar](#) on

September 12 to train local advocates and lawyers in addressing the legal needs of pre-K-through-12 students who became homeless after Hurricane Harvey. Over 100 webinar registrants representing 43 cities learned laws, policies, best practices to coordinate and collaborate with other advocates, and resources available to support displaced children and youth.

### **Update on Homeless Education Advocacy Manual: Disaster Edition**

The National Law Center on Homelessness & Poverty's [\*Homeless Education Advocacy Manual: Disaster Edition\*](#), issued first in response to 2005's Hurricane Katrina and updated in 2013 after Hurricane Sandy, provides resources on how youth can remain in school through the federal McKinney-Vento Homeless Assistance Act. The manual, created with support from the W.K. Kellogg Foundation and the law firm of DLA Piper, provides information on how displaced students are promptly identified, are able to access appropriate educational and other services, and are provided with educational continuity and stability. The manual is currently being updated post-Harvey thanks to the pro bono support of Schulte Roth & Zabel.

### **Law Center Issues “Know Your Rights” Resource for Texas Students Displaced by Harvey**

In partnership with Texas Appleseed and Texas Network of Youth Services, the Law Center issued a [\*Know Your Rights resource\*](#) for pre-K through 12<sup>th</sup>-grade students in Texas who were displaced by Hurricane Harvey last month. The McKinney-Vento Homeless Assistance Act allows students without homes to attend the same school, or immediately enroll in their new district.

### **Endorse the Housing Not Handcuffs Campaign**

**HOUSING  
NOT HANDCUFFS**

Our Housing Not Handcuffs Campaign continues to grow! The campaign currently has over 500 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!

### **The Law Center's 2017 Fall Fellows & Interns**

We are pleased to welcome the following fellows and interns for Fall 2017:

**Driss Amara** is originally from Madison, Wisconsin. He studies social policy and criminal justice at Howard University and enjoys traveling during his free time.

**Sonika Data** is a second-year law student at Georgetown Law with a passion for civil rights issues that particularly affect communities in the South. Prior to law school, Sonika was the Atlanta Regional Director of the Urban Leaders Fellowship and collaborated with the Atlanta

Public Schools (APS) Board of Education to improve APS policies. Previously, she taught in the APS district as a high school special education teacher for two years. Sonika received her B.A. from Barnard College, Columbia University in 2013 with a degree in psychology and political science. At the Law Center, Sonika will primarily be researching and drafting deliverables on renters' rights, just cause eviction laws, and citywide anti-camping bans.

**Audrey Koontz** is a senior at the University of California-Berkeley studying linguistics. Her goal is to understand the role that language plays in housing and job discrimination and how to create a society that welcomes speakers of every language.

**Faraz Siddiqui** is a Pro Bono Fellow from Sidley Austin LLP, where he started as a First Year Associate in the Food, Drug & Medical Device Regulatory practice. Faraz has a J.D. from Howard University School of Law (2017) and a Masters in public health at Johns Hopkins School of Public Health (2012). Faraz has worked as a public health researcher, epidemiologist, and a consultant. His subject area interests include defining health as a human right.

**Asritha Vinnakota** is a junior at the University of Michigan in Ann Arbor studying political science with a minor in law, justice, and social change. She plans to research and work around the intersectionality of domestic violence issues, education, and homelessness at the Law Center. She also hopes to pursue domestic violence and homelessness advocacy practices back at Michigan to continue spreading social and political justice.

## NLCHP in the Media

**Capital & Main (September 6): [How One Program Gives Federal Property to Groups Helping the Homeless](#)**

**WGNS News Radio (August 30): [Some Survivors of Hurricane Harvey Could Call Murfreesboro Area Home](#)**

**Honolulu Civil Beat (August 28): [Is Honolulu Turning Homeless People Into Criminals?](#)**

**The American Conservative (August 28): [You Can't Erase Urban Homeless By Making Them "Illegal"](#)**

**San Francisco Chronicle (August 23): [Panhandler Battered BART Passenger Who Refused to Give Him Money](#)**

Rare News (August 23): [Federal Judge Issues Temporary Order Blocking Houston Homeless Ordinance](#)

KHOU Houston (August 22): [Federal Court Issues Temporary Restraining Order Against Houston in Homelessness Lawsuit](#)

Kalamazoo News (August 16): [Homeless Won't Pay Fees for Records If Kalamazoo Resolution Passes](#)

Chicago Tribune (August 20): [Homeless Group Close to Suit Over Bike Path Plan in Uptown](#)

## Maria Foscarinis in Huffington Post

Read and share Founder & Executive Director Maria Foscarinis's latest blog post in *The Huffington Post*: [Hurricane Harvey Is a Devastating Reminder of the Need for Safe, Affordable Housing For All](#)

## Events

### 2017 McKinney-Vento Awards – October 24

Tickets are going fast for the **2017 McKinney-Vento Awards, to be held Tuesday, October 24, 2017**, at the Liaison Capitol Hill Hotel in Washington DC. Honorees include NFL player Vernon Davis, U.S. Senator Cory Booker, the law firm of Simpson Thacher & Bartlett LLC, and advocate Juanita Rocha. Sponsorship opportunities are available at [www.nlchp.org/mvawards](http://www.nlchp.org/mvawards).



Vernon Davis  
Washington Redskins



The Honorable Cory Booker  
United States Senate

### 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](http://www.nlchp.org)