

IN JUST TIMES

a publication of the

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



Changing Laws, Changing Lives

June 2018



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Dear Friends—

Earlier this month, the Law Center hosted our [annual LEAP lunch](#), bringing together our top pro bono partners to share the impact that they make, together with us, in the fight to end and prevent homelessness in America. We were thrilled that [Peter Edelman](#) [joined us to make keynote](#), speaking about his new book, *Not a Crime to be Poor*, which includes a discussion of the criminalization of homelessness, drawing on our work. The pro bono and other resources contributed by our LEAP partners make our work possible.



Maria Foscarinis
Executive Director

Later this month, we will host our annual [National Forum on the Human Right to Housing: Using the Power of the Law to End Homelessness](#), bringing together key partners from around the country to learn, share successes and challenges, and strategize on critical issues facing homeless people and those at risk. We are very pleased that the top U.N. official on the Human Right to Adequate Housing, Leilani Farha, will keynote. LEAP member [Sidley](#) is generously hosting the event at its D.C. office.

Forum topics will include the [Housing Not Handcuffs campaign](#), which fights against the criminalization of homelessness and for the right to housing. Breakout sessions will focus on the explosive growth in the number of encampments nationally; advocacy strategies to protect vulnerable tenants from eviction and homelessness; critical issues facing homeless children and youth; and communicating across divides to make common cause with new allies.

The Law Center is fortunate to work with a broad range of partners, from pro bono law firms and corporate legal departments, to allied national and local legal and other advocates, to grassroots activists and organizations of homeless and formerly homeless people. Ending and preventing homelessness in America will take the combined efforts of us all.

I hope you'll [join us at the Forum!](#) I also hope you'll join us by supporting our work. [We can't do it without you.](#)



Maria Foscarinis
Founder & Executive Director

Law Center Celebrates Passage of Protecting Tenants at Foreclosure Act

by Tristia Bauman, Senior Attorney

Legislation to reinstate the Protecting Tenants at Foreclosure Act of 2009 (PTFA) was passed by Congress and signed into law by President Trump. First enacted in 2009, following advocacy by the National Law Center on Homelessness & Poverty (the Law Center) and the National Low Income Housing Coalition, PTFA for the first time created federal protection for renters living in homes that are foreclosed, requiring at least 90 days' notice before bona fide tenants can be required to move following foreclosure. The law included a "sunset" provision and expired in 2014; with our allies, the Law Center has been advocating for its reinstatement since that time.

The reinstatement of PTFA does not include a sunset, making it permanent. While the Law Center applauds this important victory, it notes that the reinstatement was part of the Economic Growth, Regulatory Relief and Consumer Protection Act, which rolls back reforms from the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, weakening mortgage protections and mechanisms for preventing discrimination and fraud. The Law Center shares concerns with other housing advocacy organizations about implications of the rest of the Act. [Read more here.](#)

Court Victory! Lawsuit Challenging Ban on Living in Vehicles Moves Forward

On June 8, a U.S. District Court denied the City of San Diego's motion to dismiss in a lawsuit challenging the ticketing of homeless people living in RVs and other vehicles. The class-action lawsuit, *Bloom et al. vs. City of San Diego*, was filed in November of 2017 by the National Law Center on Homelessness & Poverty, Disability Rights California, Fish &

Richardson P.C, and others. It alleges that the ticketing of homeless individuals, many with disabilities, under two ordinances—one prohibiting nighttime parking of RVs on city streets and another prohibiting using a vehicle as living quarters—violates the plaintiffs’ constitutional rights and discriminates against people with disabilities under the Americans with Disabilities Act (ADA) and the Rehabilitation Act. [Read more about the lawsuit here.](#)

A Win for Renters' Rights! Right to Counsel Passed in San Francisco

by Janna Driskel, Policy Intern

San Francisco renters can now breathe a little easier. On June 5th, San Francisco voters passed a [ballot initiative](#) ensuring the right to counsel for all individuals facing eviction. Last year alone, [1,657](#) eviction notices were delivered. Of those facing eviction, around [80 percent](#) lack legal representation, while nearly all landlords filing eviction notices are represented by a lawyer.

The city launched a [pilot program](#) in 2012 to provide state-funded legal representation to renters facing eviction. The program finances a number of pro-bono attorneys throughout the city. While San Francisco has provided \$2 million annually for representation, [less than half](#) of those facing eviction have received legal aid through the program.

The ballot initiative, Proposition F “Defend SF Against Evictions,” passed with [56 percent](#) of the vote. It is the first “Right to Counsel” bill passed by voter initiative. The measure expands the current program to ensure that any renter facing eviction will receive legal counsel. The [bill requires](#) the establishment of “a program to provide full legal representation to all tenants facing an eviction within 30 days after the notice is served or upon receipt of an unlawful detainer complaint.” Further, the bill includes [no income requirements](#), extending the program to all San Francisco renters—even those with rent control.

According to the City Controller, the program is estimated to cost between [\\$4.2 and \\$5.6 million](#). The [Mayor’s Office of Housing and Community Development](#) is tasked with developing a program design and implementation plan within the next 12 months. The language of the measure allows for great flexibility and autonomy by the Office of Housing. Some advocate for increasing funding to incorporate more pro-bono lawyers and increase the capacity of the current program, while others advocate for creating a division within the Office of Housing and Community Development staffed with attorneys to provide legal counsel to renters.

NEWS from the LAW CENTER

Law Center Applauds UN's Efforts to Raise Awareness of Criminalization of Homelessness

On June 1, the UN Special Rapporteur on Extreme Poverty & Human Rights, Philip Alston, issued his official report on his mission to the United States in December 2017, addressing the criminalization of homelessness as an ineffective way of eliminating poverty. [Read the Law Center's statement here.](#)

Law Center Joins Amicus Brief in Affirmatively Furthering Fair Housing (AFFH) Case

The Law Center joined housing and anti-poverty advocates in submitting an amicus brief and statement of interest in a lawsuit filed by the National Fair Housing Alliance and others against the U.S. Department of Housing and Urban Development (HUD). The lawsuit alleges that HUD unlawfully suspended the Affirmatively Furthering Fair Housing (AFFH) rule, critical to combating discrimination in housing. [Read the amicus brief here.](#)

2018 Summer Interns

We're pleased to welcome the following interns for the Law Center's 2018 Summer Intern Program:

LeGrand Northcutt is a rising 2L at The University of Richmond School of Law. He graduated from Washington and Lee University in 2017 with a B.A. in English and a minor in Poverty and Human Capability Studies. Originally from Longview, Texas, he aspires to work for HUD and shape policies that will help end our nation's affordable housing crisis.

Nathaniel Pettit is a junior at Brown University studying public policy. His interest in homelessness and poverty issues stems from his work with Housing Opportunities for People Everywhere (HOPE), a student-run homelessness direct service and advocacy organization in Rhode Island, and with the Student Coalition on Homelessness & Poverty. Nathaniel hopes through his time with the Law Center to internalize how the law can be used to defend and promote the interests of the nation's marginally housed.

Brandy Ryan is a third-year law student at the University of Michigan and headed toward a career in public interest. Her previous work includes veterans' benefits and housing, and she hopes to continue working on issues that disproportionately affect veterans. She plans to escape frigid Michigan winters and return to DC after graduation.

Charlotte Schwebel is a rising sophomore at Colorado College studying political science and economics with a minor in cultural anthropology. She is passionate about securing rights for and acceptance of those most marginalized in the United States. She previously worked for Congresswoman Carolyn Maloney, the Association to Benefit Children, Fresh Youth Initiatives, and Colorado Springs Food Rescue.

Fina Short is a junior at Tufts University studying International Relations and Chinese with the goal of attending law school. She gained an interest in civil and human rights law after interning at the Massachusetts Commission Against Discrimination this spring and hopes to pursue a career in either domestic or foreign policy.

NLCHP in the Media

Raw Story (June 6): [Here are 10 Incredibly Sh*tty Things America Does to Homeless People](#)

Huffington Post (May 31): [Homelessness Can't Be Solved with Arrests](#)

Colorado Springs Gazette (May 30): [Colorado Springs Campaign Aims to Curb Panhandling by Redirecting Donations](#)

The Oregonian (May 25): [Want Neighborhood Crime to Come Down? A Sanctioned Homeless Camp Could Be the Secret](#)

Cape Cod Times (May 24): [Snapshot of Homelessness](#)

Los Angeles Times (May 24): [Sleeping in Public is Taboo—Unless You're Young, White, and Privileged](#)

The Progressive (May 23): [Cities Take Steps to Protect Homeless Immigrants from Immigration Agents](#)

Seattle Weekly (May 23): [The Last Stop Before Homelessness](#)

The Guardian (May 23): [No Link Between Homeless Villages and Crime Rates](#)

Washington Examiner (May 22): [Seattle's Homeless Tax Won't Be the Last of Its Kind on Large Businesses](#)

San Diego Union-Tribune (May 20): [What the Homeless Numbers Say—And What They Don't](#)

Street Sense Media (May 18): [Ben Carson's False Promises on Homelessness](#)

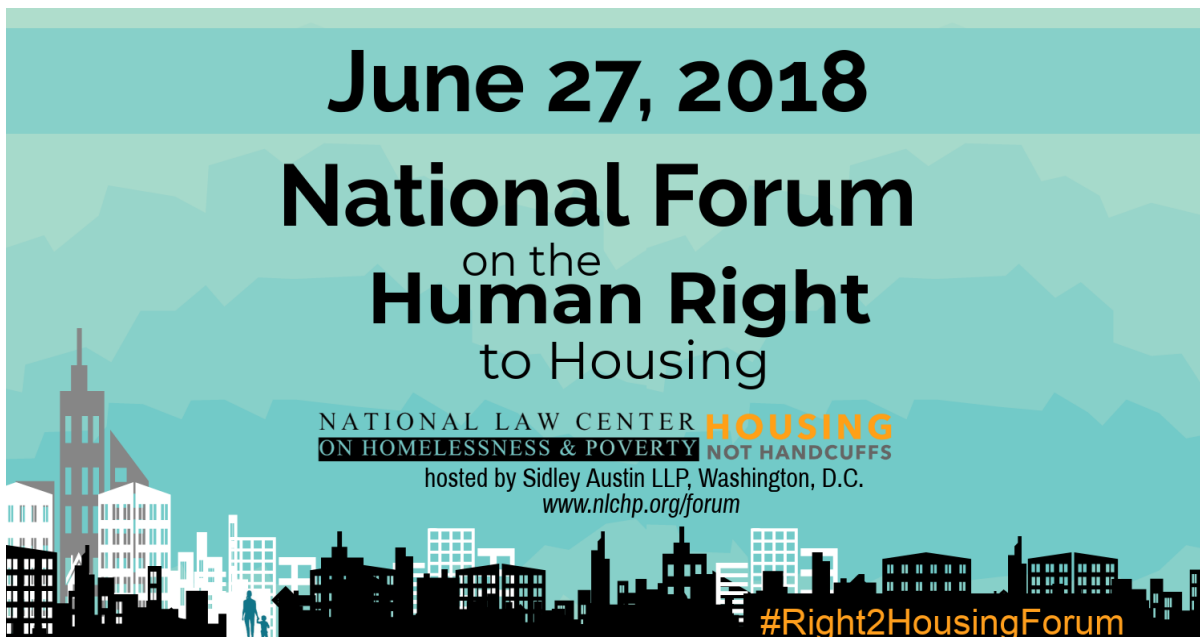
Raw Story (May 10): [This Seattle Man Won the Constitutional Right to Live in His Truck](#)

BBC (May 12): [Why Starbucks Faces Toilet Trouble](#)

Crosscut (May 11): [Seattle's New Tiny House Village for the Homeless—Women Only](#)

Washington Post (May 10): [As Amazon Pursues a Second Headquarters, It Battles Hometown Seattle Over Tax to Stem Homelessness](#)

Events



The National Law Center on Homelessness & Poverty is excited to host the **National Forum on the Human Right to Housing on June 27** at Sidley Austin LLP in Washington, DC. People who are currently or formerly homeless, attorneys, government officials, and advocates from across the country will gather at the Forum to organize and strategize on ways we can work to end the criminalization of people experiencing homelessness. View the agenda and register now at nlchp.org/forum.

On June 5, Senior Attorney **Tristia Bauman** led a training for 200 attorneys and other staff at the law firm Alston & Bird LLP. The training covered renters' rights, criminalization, and other issues affecting homelessness. Thank you to Alston & Bird for hosting and to all of the staff who participated!

On May 23, Executive Director **Maria Foscarinis** presented at the Legal Educators Practice Committee and ABA Journal Meeting on "Strategies to Address Homelessness in the Trump Era: Lessons from the Reagan Years," an article forthcoming in the ABA Journal of Affordable Housing & Community Development Law. [Read the article here.](#)

On June 8, the Law Center's annual **Lawyers' Executive Advisory Partners (LEAP) Luncheon** was hosted at the law firm of Simpson Thacher & Bartlett LLP and featured Keynote Speaker Peter Edelman, a law professor at Georgetown University Law Center. View [photos](#) and [video](#) from the lunch. Special thanks to our host, Simpson Thacher, and our LEAP members and pro bono partners for joining us!

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