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**NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY**



**Lawyers Working to
End Homelessness**

News and Commentary for

March 2013

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STAY IN TOUCH



Late-Breaking News: Federal court win for homeless and poor in Dallas

A federal court has just struck down a city ordinance that severely restricted groups from offering food to poor and homeless people in public places.

Dear Friends,

The numbers are now in, and I'm happy to announce that donated legal services NLCHP topped \$6 million in 2012, a record breaking contribution to our work to prevent and end homelessness.

Each year, more than 3.5 million people spend time living on the streets or in shelters, including 1.3 million children. Almost 7 million more are doubled-up—with no home of their own—due to economic hardship. These numbers are now increasing dramatically, as the foreclosure crisis and unemployment push more and more Americans out of their homes. From 2007 to 2011, family homelessness increased by 16%.

I am so grateful that the legal community is responding vigorously and generously to the growing crisis. In 2012, 21 law firms worked with NLCHP on 52 pro bono matters; of these firms, 12 were members of our [Lawyers' Executive Advisory Partners \(LEAP\) program](#), through which firms and in house legal departments provide both pro bono and financial support to NLCHP's. Their in-kind contributions mean that every dollar donated to NLCHP is multiplied six times over!



**Maria Foscarinis
Executive Director**

To keep reading, please [click here](#).

Federal Court Victory for Homeless Advocates Seeking Unused Federal Property

After years of legal advocacy by the Law Center, a federal court has ruled that the U.S. government is not meeting its obligations under Title V of the McKinney-Vento Act. Under Title V, the federal government is obligated to offer homeless service providers unused government property for free before trying to sell it. However, the court found that many federal agencies "appear to be hiding potentially eligible properties from the Title V process" -- and that this widespread form of land banking is illegal.



This ruling is a critical win for homeless service providers, who have used Title V properties to provide affordable housing, shelter, food, and job training to over 2 million people experiencing homelessness each year. And with homelessness growing in recent years - over 1 million homeless students are now enrolled in the country's public schools -- the program is more crucial than ever. The Law Center will soon release a report outlining Title V's successes and offering recommendations for how it could be made an even more effective resource.

In June 2011, the Obama Administration brought a motion to vacate a long-standing injunction governing how it runs Title V on the grounds that it has an "unassailable record" of compliance with the law. The government provided no evidence of their alleged compliance, however, and in his ruling, Chief Judge Lamberth of the U.S. District for the District of Columbia said it was "baffling" that the Administration thought the court would accept its claim of compliance on nothing other than its own say-so.

As a result of this litigation, not only was the injunction on the government not set aside, but the Law Center was also able to enlarge the injunction's requirements to include a mandate on the government to improve their training, monitoring, and reporting of properties while the order is in place. The Law Center is grateful to Covington & Burling, who argued in court on our behalf, for their tireless efforts to protect Title V and hold the Obama Administration accountable to the law.

Reflections from a Project LEARN Volunteer

Project LEARN (Lawyers Education Access Resource Network) is a cutting-edge initiative of the Law Center. It is designed to ensure children who are homeless have a stable school life by training lawyers across the country on homeless children's rights and how to best advocate for them.

By Cara Vazquez, Associate, DLA Piper

Prior to working with the National Law Center on Homelessness and Poverty, I had always imagined homeless individuals as being financially drained, without jobs and certainly without cell phones. However, advocating for homeless students has opened my eyes to the variety of situations in which people are considered homeless.

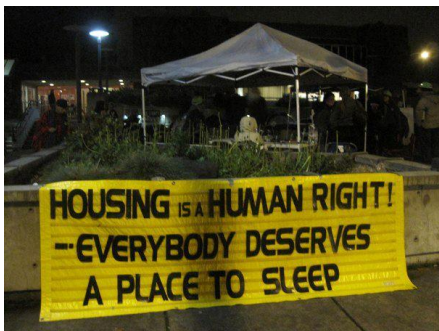


A mother in Ohio contacted Project Learn about the looming disenrollment from school of her two daughters, and I immediately volunteered to help from my office in Houston. The short e-mail blurb on the family explained that they were doubled-up with another family member. The most intriguing part of this family's story was that they did not fit within society's traditional notion of "homeless." The family had been in the process of buying a new home when their realtor recommended not renewing their apartment lease in anticipation of their home purchase. The purchase fell through, and the family was down and out. Unable to sign a new apartment lease due to financial difficulties, they moved in with the mother's brother in another school district. When the school realized the family had moved, it demanded that the family either move back into the district or pay \$600 a month for out-of-district tuition for her two daughters, otherwise the daughters' enrollment would be terminated. The family did not have the financial means for either option and was certainly not in a position to take action within a week as demanded by the school.

To read the rest of Cara's reflection, [click here](#).

Positive Decision in Anti-Camping Challenge in Boise

Earlier this month, the Ninth Circuit issued a positive decision in the Law Center's anti-camping/sleeping challenge, *Bell v. City of Boise*. In partnership with Idaho Legal Aid Services and Latham & Watkins, the Law Center brought the case in October 2009 on behalf of seven homeless plaintiffs in Boise, Idaho who had been cited for sleeping outdoors despite a lack of available shelter. The suit alleged that the city's enforcement of two local camping and sleeping ordinances against the respective homeless persons was unconstitutional, constituted cruel and unusual punishment, and resulted in criminalizing homelessness.



Despite the fact that communities all over the country lack adequate affordable housing and shelter space, cities are continuing to penalize people forced to live on our streets and in public spaces. The Law Center's 2011 report, *Criminalizing Crisis*, summarizes the results of a national survey by the Law Center on the enforcement of criminalization measures across the country, and concludes that criminalization measures do nothing to solve the problem of homelessness. Instead, they frequently perpetuate homelessness, place unnecessary burdens on our criminal justice system, and violate homeless

individuals' civil and human rights.

To read more, [click here](#).

Annual Homeless Count Doesn't Tell The Whole Story

At the end of January, public officials and volunteers in communities across the county fanned out, over the course of night, to count the number of homeless persons staying outdoors or in other locations not fit for human habitation (including cars, abandoned buildings, and public transportation facilities like bus stations and airports). The goal was to contribute to HUD's annual point-in-time count—the number HUD and most media members cite when asked how many people are homeless in the U.S. HUD also compares point-in-time numbers from year to year to determine if homelessness is rising or falling. As the agency puts it: to solve homelessness, we need to know how many people are experiencing it.

Unfortunately, these point-in-time numerations are not fully accurate. As Law Center Founder and Executive Director Maria Foscarinis [explained last year](#), counts are not completed the same way in each community, often miss many people who are living in dangerous outdoor locations that volunteers avoid, and do not include people who are living doubled-up with relatives or in motels. We estimate at least 750,000 kids defined as homeless by the Department of Education, plus their families, are not being counted. And that doesn't even include children who are too young to attend school.

Indeed, even people now included in the definition of homelessness adopted by HUD as part of the reauthorization of the McKinney-Vento Act are not included in the homeless "counts." The HEARTH Act defines some doubled-up people and motel dwellers as homeless, if they are about to lose their housing. Yet they are excluded from the homeless counts.

To read on, [click here](#).

About the National Law Center on Homelessness & Poverty

The Law Center is the only national legal advocacy organization dedicated to ending and preventing homelessness in America. It fights in the halls of power for laws and policies that protect homeless people's rights and help them rise out of poverty.

www.nlchp.org