

IN JUST TIMES

a publication of the

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



Changing Laws, Changing Lives

July 2017

Stay Connected

[National Law Center on Homelessness & Poverty](#)



♥ DONATE NOW »

Table of Contents

[Martin v. Boise](#)

[NY Homeless Students Can](#)

[Now Stay in School](#)

[Victories](#)

[Housing Week of Action](#)

[Law Center Updates](#)

[Law Center in the Media](#)

[Events](#)

Honoring 30 Years of the McKinney-Vento Homeless Assistance Act

This Saturday, July 22 will mark the 30th anniversary of the [McKinney-Vento Homeless Assistance Act](#). Let's honor this occasion by advocating for Housing Not Handcuffs, and kicking off a week of action for housing.



Maria Foscarinis
Executive Director

It's become commonplace to say that homelessness has always been with us. In fact, as I explain in a [recent opinion piece in *The Hill*](#), homelessness first became a national crisis in the early 1980s, when the Reagan Administration initiated a major retrenchment of social programs.

In response, I helped lead the successful campaign for the McKinney-Vento Act, the first major federal legislation to address homelessness. Reluctantly signed into law by President Reagan on July 22, 1987, that legislation was supposed to be a first step, only to be followed by longer term measures—mainly affordable housing—to end and prevent homelessness.

But thirty years later, that promise remains unfulfilled. The housing gap has widened, and a [new trend has emerged to criminalize homelessness](#). The Trump Administration’s simultaneous calls for massive new cuts to housing, along with other social programs and stepped-up policing, [threaten to deepen the crisis](#).

It’s time for a new campaign, and advocates are coming together to call for [Housing Not Handcuffs](#). To end homelessness, we must not only fight any cuts, we must also stop criminalization and increase housing investments. The Campaign includes [policy proposals at the federal, state, and local level](#) to stop criminalizing homelessness and poverty and to invest in housing and services instead. You can also read our report on last month’s [Right to Housing Forum here](#).

We can mark this year’s 30th anniversary of the landmark McKinney-Vento Act by fighting to fulfill its promise—and getting behind this new campaign. If you haven’t endorsed the campaign [please do so now](#). If you haven’t seen my piece in *The Hill*—please take a moment to [read and share](#).

As you’ll read below, on July 22 we’ll be joining our allies at the National Low Income Housing Coalition and other national and local groups across the country to kick off a [week of action](#) calling for greater investments in affordable housing. If your community is criminalizing homelessness, you can use the Campaign in your actions that week—and beyond. Link your work to the Campaign, so that collectively, our voices are stronger.

I can’t think of a better way to mark the anniversary of the McKinney-Vento Act.

Ninth Circuit Court Hears Oral Arguments in *Martin v. Boise* Challenging Sleeping in Public Ban

On June 13, NLCHP, together with co-counsel Idaho Legal Aid Services and pro bono support from Latham & Watkins, presented oral arguments in the U.S. Court of Appeals for the 9th Circuit in [Martin \(formerly Bell\) v. City of Boise](#), a case challenging the city of Boise’s ordinances that prohibit sleeping in public and other acts that criminalize people experiencing homelessness.

The case was originally filed in 2009 to challenge enforcement of Boise’s Camping and Disorderly Conduct Ordinances against persons experiencing homelessness who need to sleep in public in the absence of adequate housing or shelter. The case gained national attention in

2015 when the U.S. Department of Justice filed a Statement of Interest brief in the case, reinforcing longstanding federal policy which opposes the criminalization of being homeless.

Maria Foscarinis, executive director of the Law Center, said, “Not only is it unjust to punish people experiencing homelessness for harmless, life-sustaining activities such as sleeping, it’s a wasteful use of city resources that could instead be put toward a solution, such as permanent and affordable housing.”

New York Homeless Students Can Now Stay in School During Dispute Resolution Process

Starting July 2017, homeless New York students will be able to stay in the same school while disputes about their eligibility, school selection, or enrollment are pending. New York regulations previously denied many homeless students’ right to educational continuity and stability in direct violation of the McKinney-Vento Homeless Assistance Act by dis-enrolling them from their schools while their disputes were pending. After nearly a decade of Law Center advocacy, New York’s revised dispute resolution regulations bring it one step closer to fully complying with federal law. Revised regulations are available [here](#).

In a Win for Domestic Violence Survivors, NY State Court Strikes Down Nuisance Law

On June 15, 2017, a New York appellate court found the Village of Groton’s nuisance law unconstitutional. Under this law, a property could be deemed public nuisance after a certain number of police calls were made about it. Landlords were required to abate the nuisance by evicting tenants including those crime victims who made calls to the police. The Law Center joined the ACLU as *amicus curiae* and argued that the law disproportionately affects tenants who call the police because they have been victims of domestic violence crimes. The court adopted many of the arguments in the amicus brief and found the law overbroad and in violation of tenants’ rights to free speech, particularly their right to request police assistance. Other jurisdictions with similar laws should revise their nuisance ordinances to ensure that victims of crime are not evicted and punished for calling the police. The full text of the Groton ruling can be found [here](#), and you can learn more about nuisance ordinances [here](#).



Housing Week of Action

Earlier this month, the National Low Income Housing Coalition released its annual housing report, [Out of Reach](#), documenting what many of us already know—low-wage workers across the nation cannot afford the cost of rental housing. Out of Reach calculates the housing wage, which it defines as "the hourly wage a full-time worker must earn to afford a modest rental home without spending more than 30 percent of his or her income on housing costs." Keep in mind that this is assuming hourly wage workers are being paid for 40 hour weeks, where many of these workers are not paid for sick leave, national holidays, and vacation time.

Given this, the report finds that renters need to earn a wage of \$21.21 per hour to afford a modest, two-bedroom rental home in the U.S, where the federal minimum wage is \$7.25. While the estimated average wage across the nation is \$16.38, it is still not high enough for a family with children to live modestly. In no state can a minimum wage worker afford a one-bedroom rental home at Fair Market Rent, working a standard 40-hour work week, without paying more than 30% of their income. Overwhelmingly, in 75 percent of counties, renters would have to work more than 60 hours/week to afford a one-bedroom without paying more than 30 percent of their income. With this [interactive map](#), you can see how much an hourly wage full-time worker must earn to afford a modest rental unit in your home state.

There are 7.5 million affordable rental homes for the 11.4 million extremely low income renter households. For the poorest renters, some of these units are inaccessible as many of these units are available through the private market, for which they have to compete with renters that have higher incomes. The Law Center's [Housing Not Handcuffs report](#) notes that a lack of affordable housing is the leading cause of homelessness. And from July 22-29, we'll be joining the National Low Income Housing Coalition and other organizations to participate in the [Our Homes, Our Voices National Housing Week of Action](#). Affordable housing units must be protected and increased to address the growing homelessness crisis.



Updates from the Law Center: Pro Bono Projects, Surveys, Fellowships and Internships

Mid-Year Report: Law Center's Pro Bono Projects

It's only the mid-year mark of 2017, and the Law Center is on track to surpass the number of pro bono partnerships we leveraged to amplify our work in 2016. Currently, the Law Center has 33 pro bono projects in progress, working with 19 law firms and corporate legal departments, with more in the works in the coming months. Last year, the Law Center worked with 20 law firms and corporate legal departments on 35 projects, valued at \$3.9 million. Special thanks to our LEAP members and pro bono firms this year! If your law firm or legal department would like to join LEAP to get priority access to our best pro bono projects, contact Development & Communications Director Maggie Ardiente at mardiente@nlchp.org.

Law Center Conducts Homeless Survey Project in Puyallup, WA

Thanks to the generous support of Microsoft, the Law Center, led by senior attorney Tristia Bauman, conducted a homeless survey project in Puyallup, Washington. Volunteers from the Microsoft legal department, the law office of Perkins Coie, St. Martin University, and local nonprofit organization Homeward Bound, helped survey approximately 50 homeless adults on June 29 at service organizations and one encampment. Another survey day is planned for September.

Law Center Contributes to Youth Justice Board's "Report on Homeless Youth in NYC"

In June, the Youth Justice Board (YJB) released a Report on Homeless Youth and the Justice System in New York City. The report documents ten public policy suggestions to address homelessness and decrease incarceration among youth. The YJB is composed of teenage advocates living in all five boroughs of NYC. Members aim to improve lives of homeless youth across the city with a focus on the intersection of youth homelessness and incarceration. Law Center Attorney Michael Santos provided expertise related to the transition for incarcerated youth to civilian life. The report recommends increased support for incarcerated youth in planning for their release and securing safe, stable housing to avoid falling into homelessness. [Read the full report.](#)

Law Center Invites Legal Fellowship Applicants

The Law Center invites rising third-year law students, judicial law clerks, and recent law graduates to submit fellowship proposals for Skadden, Equal Justice Works, Soros, Echoing Green and/or other similar programs. Applicants may create their own proposals but they must be related to one or more of the Law Center's substantive priority or project areas. [Learn more and apply.](#)

Law Center Seeks Fall Interns

We are currently accepting intern applications for Fall 2017. Internships are available year-round for students in semester-based or quarter-based programs. Applications are accepted on a rolling basis. Current openings include Legal Internships (available to second- and third-year law students), Program Internships (available to undergraduate students,

graduate students, or recent graduates), and Development & Communication Internships (available to undergraduate students, graduate students, or recent graduates). To apply, email a cover letter, resume, short writing sample, and three references to hr@nlchp.org.

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

Law Center in the Media

Street Sense (July 11): [Grosso Introduces Landmark Civil Rights Amendment to Protect Homeless Washingtonians](#)

Mic.com (July 10): [Honolulu Lawmaker Suggests Placing Armed Rangers at Parks to Drive out the Homeless](#)

The Salt Lake Tribune (July 10): [Hughes Says You Can't 'Hug-a-Thug' Out of Crime Near Salt Lake City Shelter](#)

Orlando Sentinel (July 6): [Orlando Could Repeal Downtown Panhandling Rules](#)

Events

National Conference on Ending Homelessness July 17-19

Law Center Attorney Michael Santos will moderate a panel at the National Alliance to End Homelessness' [National Conference on Ending Homelessness](#) on Tuesday, July 18 at 2:15pm in Washington, D.C. The panel, "A Shifting Landscape: Undocumented and Documented Immigrants," will include a discussion on the barriers homeless immigrants experience in securing housing. The National Law Center on Homelessness & Poverty will also have an information table during the three-day conference.

Save the Date: 2017 McKinney-Vento Awards October 24

Mark your calendars and plan to attend the Law Center's highlight event of the year! The 19th Annual McKinney-Vento Awards will take place on Tuesday, October 24, 2017 at 6:00pm at the Liaison Capitol Hill Hotel in Washington, DC. This year's honorees include NFL player Vernon Davis, U.S. Senator Cory Booker (D-NJ), the law firm of Simpson Thacher & Bartlett LLC, and others to be announced. Sponsorship opportunities and more information is available at nlchp.org/mvawards.

SAVE the DATE

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

19th ANNUAL McKINNEY-VENTO AWARDS

Tuesday, October 24, 2017 | 6pm
The Liaison Capitol Hill Hotel, Washington, DC

Honoring

Vernon Davis
Washington Redskins, NFL
Stewart B. McKinney Award

Hon. Cory Booker
United States Senator
Bruce F. Vento Award

**Simpson Thacher
& Bartlett LLP**
Pro Bono Counsel Award

Details and sponsorship opportunities at nlchp.org/mvawards

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