

2 0 1 2 ANNUAL REPORT

Looking back and
moving forward:
25 years after the
McKinney-Vento Act,
the work continues.

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY



OUR HISTORY

Law Center Founder and Executive Director Maria Foscarinis began her legal career as a litigation associate at the Wall Street firm Sullivan & Cromwell. During her time there, she represented homeless families pro bono, and as she witnessed first-hand the severe shortage of safe and affordable housing in America, she began to realize the crucial role of legal advocacy in addressing this national crisis. In 1985, Maria left Sullivan & Cromwell to fully devote herself to the fight to end homelessness.

In 1987, Maria led the campaign to pass the McKinney-Vento Homeless Assistance Act, the first major federal legislation to address the problem.

In 1989, she founded the National Law Center on Homelessness & Poverty. Since then, the Law Center has worked to sustain and expand federal aid to homeless persons and served as a leader in the right to housing movement. In 2011, the U.S. government acknowledged -- for the first time in history -- that it is obligated to address homelessness as a human rights issue.



OUR MISSION



Since 1989, the National Law Center on Homelessness & Poverty has served as the legal arm of the national movement to end and prevent homelessness. Through policy advocacy, public education, and impact litigation, the Law Center seeks systematic reform and works to meet both the immediate and long-term needs of homeless and poor people. Through training and technical assistance, it supports effective advocacy by local groups across the country.

The Law Center works with community-based and national allies to enforce and implement existing legal rights and advocate for new policies and resources to end and prevent homelessness. In all of its work, the Law Center leverages the pro bono assistance of major national law firms through its Lawyers' Executive Advisory Partners (LEAP) program.

Message from our Founder & Executive Director

Dear Friends of the Law Center:

In 2012, with your support, the Law Center used the power of the law to protect the human dignity and basic rights of homeless Americans—to help prevent and end homelessness.

It was an election year, and we launched a challenge to Wisconsin's voter ID law—one of the most restrictive in the country—on behalf of homeless and low income voters, veterans, students and people of color. Our work continues, but for now the law is enjoined.

We won important victories in our work to shift government law and policy away from criminalizing homelessness. Thanks to our advocacy, the federal government condemned criminalization, stating it undermines solutions and may violate the U.S. Constitution as well as our international human rights obligations. With our state and local partners, we won enactment of the nation's first ever enforceable Homeless Bill of Rights in Rhode Island, and helped advocates in other states develop similar legislation.

We documented and took action to correct widespread violations of the rights of tenants in foreclosed properties. We advocated for new legal protections for

survivors of domestic violence, to prevent their eviction through no fault of their own. And we built support for the human right to housing here at home.

Thanks to your support, we kept homeless children in school, protecting their chances for a better future. We investigated the rights of unaccompanied homeless youth, recommended state policies to help them safely reach adulthood, and worked with state level advocates to enact them.

Our work together has transformed the lives of people and communities across the country. There is so much more we can do. The foreclosure crisis and recession have affected many of us, but no one more than those who have lost their homes.

Thank you so much for your support.



Sincerely,

Maria Foscarnis

Founder and Executive Director

Message from the Chair of the Board of Directors

Dear Friends of the Law Center:

It has been my privilege to serve on the Law Center's board of directors for the past nine years, and to serve as Chair of the Board for the past three. With your support we have worked to change the lives of homeless and poor people in communities across the country.

Over the past year, we achieved major victories, and we are grateful to you for the support that has made these successes possible. We could not have achieved them without you.

But while we have achieved much, there are still millions of people suffering through a slow economic recovery and continued foreclosures. More Americans are living in poverty than ever before. We know what works to end and prevent homelessness, but we need strong advocates to ensure our nation puts in place effective solutions that help those in need.

Now is the time to renew our common commitment to ensure no man, woman, or child is without a safe place to call home. I know that if we stand together, that goal is in reach.

Thank you for your generosity and support.



Sincerely,

Vasiliki Tsaganos

Chair

Protecting Rights, Increasing Opportunities

Preventing Homelessness for Renters

Since the housing crisis of 2008, property foreclosures have remained a national epidemic. Though most people think of the housing crisis as affecting single family home owners, many renters have lost their homes since the bubble burst. Research indicates that an estimated 20% of all foreclosures are rental properties. Approximately 40% of families facing eviction due to foreclosure are renters, and approximately three million children, or 37% of all children affected by foreclosure, live in rental housing. **The tragedy of this situation is made worse by the injustice of it.** Renters are innocent bystanders caught in the crossfire of the foreclosure crisis, becoming vulnerable to homelessness through no fault of their own.

Thanks to the Law Center's advocacy, tenants in foreclosed rental properties have federal rights under 2009's Protecting Tenants at Foreclosure Act (PTFA). But too often these rights are violated, leaving millions of people vulnerable to housing instability and homelessness.

In 2012, the Law Center conducted a nationwide survey to assess compliance with the law. We heard from hundreds of tenants and advocates across the country, and found widespread violations.

Violations of PTFA included: Lack of communication between new owners of foreclosed properties, their agents, and their tenants, with 79.5% of respondents citing this as a common problem; illegal, misleading, or inaccurate written notices (68.1%); harassment of tenants by the new owners' agents (61.1%), and the new owner's failure to maintain the rental property (64.3%).

In response, the Law Center jumped into action. In December, 2012, we published the "[Eviction \(Without\) Notice](#)" report, which described violations of the PTFA across the country, and provided recommendations for Congress, state governments, and financial institutions to correct them.



But we didn't stop there: We took direct action ourselves:

- Because we found that real estate agents are among the most common violators, we initiated collaboration with the National Association of Realtors to train its members, producing videos and website materials, and training key leaders on the law.
- We reached out to key lenders—and secured changes in their notices to tenants, bringing them into compliance with the law.

Creating Homes and Opportunity on Vacant Federal Property

Federal law, Title V of the McKinney-Vento Homeless Assistance Act, makes surplus federal properties available to homeless service providers at no cost, but noncompliance abounds. The Law Center has been at the forefront of Title V advocacy since the inception of the program in 1987. As a result, over 2 million homeless and poor Americans are helped by the program each year.

In 2012, the Law Center worked in Congress and the courts to defend the program from attack—and to increase compliance with the law. With strong pro bono assistance from Covington & Burling, by the end of the year we had made major progress. We testified before the House and Senate in support of the program, vigorously defended it in court from attack, and won a court order requiring the government to release key documents. This work in 2012 led to a major federal court victory in March 2013. At the same time, we helped providers across the country apply for such properties.

For example, the Law Center was instrumental in assisting HomeFront, a housing provider in Ewing Township, New Jersey, to navigate the legal barriers to obtaining a former Marine Corps Reserve Center, consisting of 8.23 acres of land and three buildings. As a result, HomeFront will be able to provide an additional 60 units for homeless women and their minor children—putting this formerly vacant public resource to critically important use.



Mike Kane for Equal Voice News



Preventing Domestic Violence Survivors from Becoming Homeless

Domestic violence is a leading cause of homelessness, especially for women and their children, and for unaccompanied youth. One in three women suffers abuse by an intimate partner. In the September 2012 report *Alone Without a Home*, NLCHP reported that 43 percent of homeless youth leave home after enduring abuse by a caretaker.

Thanks to earlier advocacy by the Law Center, the Violence Against Women Act includes important housing provisions that protected survivors living in public and subsidized housing from unfair eviction. In 2012, the Law Center continued its work to expand these protections to all federally supported housing—including housing developed with federal low income housing tax credits. While the VAWA bill did not pass in 2012, our work paved the way for the bill's passage in February 2013. A tremendous victory, this bill extends housing protections to over 4 million additional households.

Human Right to Housing Report Card

On December 10, International Human Rights Day, the Law Center published its annual [Report Card on the Human Right to Housing](#), an update to its 2011 assessment of U.S. compliance with the human right to housing, in the context of homelessness. The Report Card assesses the U.S. against the seven elements of the human right to housing defined in international law, assigning a D on four of seven categories and a C in the remaining categories. We disseminated the report card widely to advocates, government agencies and the press, educating key stakeholders on international human rights standards as applied to the U.S.

CIVIL RIGHTS

Challenging Injustice, Promoting Human Rights



Photo credit: Andres David Lopez

Fighting Criminalization

Research by the Law Center has shown that, of 234 American cities, 40% make it a crime to sleep in public spaces, while 56% prohibit loitering in public places and 53% prohibit begging and panhandling in public places. When cities use laws or policies such as these that target homeless people for taking actions necessary to their survival, **the impact is felt far and wide**. While people experiencing homelessness are affected most profoundly, these measures also tax the already overburdened criminal justice system, affect service providers' ability to do their work, and cost taxpayers money. Policies that criminalize homelessness take a toll on entire communities.

First report on criminalization ever issued by the U.S. government warns that such policies “undermine real solutions”

In April 2012, the U.S. Interagency Council on Homelessness and the U.S. Department of Justice, in response to our advocacy and drawing heavily on our publications, released a report condemning the criminalization of homelessness. In *Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness*, USICH and DOJ note that criminalization policies “**undermine real solutions**” and call on communities to adopt “constructive alternatives” to criminalization that offer solutions to homelessness. Notably, the report warns that laws criminalizing homelessness may violate the U.S. Constitution, as well as U.S. human rights obligations under the International Covenant on Civil and Political Rights and the Convention Against

Torture. The report sets groundbreaking precedent and marks a major victory for the Law Center's work.

Local Impact: Powerful example from Sacramento

What is one “life-sustaining” act that we do each day, but rarely think about, let alone discuss in public? Going to the bathroom. Yet, when you're homeless or poor, such necessary, everyday acts—and others such as sleeping, eating and sitting-- can be a major challenge or even a life-altering decision.



Tim Buckley demonstrates the sanitation system he engineered while living in Sacramento's tent city

For well over a year, the City of Sacramento systematically eliminated bathrooms and clean water sources near homeless encampments. Campers were forced to rely on makeshift privy systems and to transport bags full of waste on a bicycle to public restrooms miles away from their tent city.

In January 2012, at our request, the UN Special Rapporteur on Water and Sanitation, Ms. Catarina de Albuquerque wrote an unprecedented letter to Sacramento's mayor, Kevin Johnson, accusing the city of violating the human rights of its homeless residents. “The United States, one of the wealthiest countries in the world, must ensure that **everyone [has access] to sanitation which is safe, hygienic, and secure [...]** and which **provides privacy and ensures dignity**,” Albuquerque wrote. Further, the human rights expert wrote, ensuring adequate housing for homeless persons must be the long-term goal.

“Nobody wants to have to go to the bathroom outdoors. Imagine your mother in this situation. Wouldn’t you want her to access water and sanitation?”

– Tim Buckley, *homeless camper, advocate, “sanitation engineer”*

Albuquerque’s letter generated strong media coverage and boosted state level advocacy for California’s Human Right to Water Bill. The bill was signed into law in September, 2012, making California the first state in the nation to recognize the human right to safe water and to ensure universal access to it.



Advocate John Joyce of the Rhode Island Homeless Advocacy Project, recipient of the Law Center’s 2012 Bruce F. Vento Award

Protecting the Right to Vote

In December 2011, in partnership with the ACLU, ACLU of Wisconsin, and with pro bono support from Dechert LLP, the Law Center filed suit against the state of Wisconsin in federal court, challenging Wisconsin’s voter identification law—one of the most restrictive in the country—on constitutional grounds. Under the law, citizens would be forced to pay for documents, such as a birth certificate or social security card, before obtaining the state-approved identification they need to vote; millions of homeless and poor persons could be disenfranchised by these requirements. Plaintiffs in the case include white, black, and Latino voters; homeless and low-income citizens; veterans; and students. If successful, the suit will create legal precedent to strike down other voter ID laws across the country.

In 2012, the law was temporarily enjoined; a ruling has not yet been issued in the federal suit. With the case still pending, there remains potential for a positive and groundbreaking precedent.

Homeless Bills of Rights: Proactive Law Reform

The Law Center helped achieve a major victory in Rhode Island in 2012 with the passage of the first-ever enforceable Homeless Persons’ Bill of Rights. The historic bill passed in June 2012; it forbids governments, police, healthcare workers, landlords or other employers from treating homeless persons unfairly because of their housing status. Significantly, the bill provides for enforcement against discrimination against homeless people and explicitly protects the constitutional rights of homeless people, including their right to vote.

Rhode Island’s success has sent a strong message to other states considering legislation to address homelessness: there is a better way forward than discrimination and criminalization. Homeless advocates in an increasing number of states across the nation are looking to replicate this success, with our support. In early 2013, Connecticut and Illinois passed similar laws, and Oregon, Vermont, and Missouri are considering similar bills.

CHILDREN'S RIGHTS

Protecting their Well-Being, Guarding their Future



Mike Kane for Equal Voice News

Our staff and volunteer attorneys work to ensure access to school and school supports education for homeless children, strengthening their families and giving these children a chance to become self-sufficient productive adults-- so **we can all have stronger, healthier communities.**

Our innovative pilot Project LEARN, developed in 2011 in partnership with DLA Piper LLP, brought more success to homeless families in their efforts to ensure that their children remained in school and had access to crucial social services under the McKinney-Vento Act. Project LEARN provides training, materials, referrals, and guidance to pro bono attorneys, so that they in turn can help protect homeless children's right to a stable education.

In late November 2011, C.H., a concerned father of two sons, A.H., 13 years old, and S.H., 10, who is diagnosed with severe autism, contacted the Law Center. After the family became homeless, the family was told that the boys could no longer attend their school because they no longer resided in the school district.

The Law Center referred Mr. H. to a volunteer attorney with Project LEARN and, working closely with its volunteers and C.H., the Law Center filed for an injunction that successfully re-enrolled the boys in school within a week of their removal.

"I don't know what would have happened if it weren't for having Kate and the other volunteer lawyers and staff from the Law Center on our side,"

C.H. stated. "If I can help just one more parent become aware of the law and the services of the Law Center so that they don't have to go through what I went through, I'm happy to do whatever I can."

This is just one of many successes we saw last year.

In 2012, the Law Center also responded to the devastation wrought by Hurricane Sandy, focusing on ensuring access to stable school for children made homeless by the storm. The Law Center trained hundreds of attorneys in the New York area on the education rights of homeless children, and produced and disseminated a special manual on those rights.



Maria Foscarinis introducing Congresswoman Judy Biggert

In 2012 we also addressed the needs of the growing numbers of homeless, unaccompanied youth. These are young people who have fled their homes due to abuse, or been forced to leave by parents who could no longer care for them; many are members of the LGBTQ community.

Many homeless youth living on their own face legal barriers to getting the help they need; from runaway and curfew statutes to the inability to sign a rental contract or consent to needed medical procedures, homeless youth struggle to survive. In 2012, the Law Center published a [survey of laws](#) affecting homeless youth and made detailed recommendations for law reform at the state level to give these youth a better chance for the future.

Leadership & Partnership

The Law Center continued to convene the Homeless Advocates Group (HAG), bringing together a coalition of national organizations working across numerous issues—including housing, health care, and education—that share the common goal of preventing and ending homelessness. HAG members meet monthly to discuss the latest developments in public policy on homelessness issues and to coordinate their advocacy.

In 2012, the Law Center organized an event commemorating the 25th Anniversary of the McKinney-Vento Act, featuring a documentary film presentation and remarks by Rep. Judy Biggert (R-IL), co-chair of the Congressional caucus on homelessness, to bring attention to the impact and success of the Act, as well as the need for additional policy reforms and resources.

As part of that commemoration, the Law Center worked with HAG to develop a joint vision for ending homelessness in America, and concrete policy changes to carry it forward. These were adopted by the Group as its joint 2013 policy priorities.

LINC (Local Information Network for Change) is the Law Center's planned network of state and local organizations that work with and on behalf of homeless and poor people. The Law Center began piloting LINC in 2012 and formed an advisory committee. LINC will ensure that the Law Center remains responsive to what's happening on the ground, while helping state and local groups bring their concerns to a national stage. LINC members

will be: direct service providers; legal service providers; and community and grass roots advocates.

Pro Bono

In carrying out all of our work, we mobilized our pro bono partners and **leveraged over \$6 million** in donated legal services – a record-breaking contribution to our work to prevent and end homelessness.

We are 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!**

Here are just a few examples of how, in 2012, NLCHP pro bono partners affected critically important issues:

- Protecting homeless persons' fundamental voting rights through litigation challenging Wisconsin's voter ID law, which would have disenfranchised thousands of homeless voters; the law was enjoined prior to the November election.
- Ensuring government transparency by litigating to enforce Title V of the McKinney-Vento Act, a law that serves 2.4 million homeless people each year; in a procedural victory, a federal court ruled the Obama Administration must release hundreds of documents demonstrating compliance.
- Documenting the bureaucratic barriers that prevent hundreds of thousands of homeless Americans from accessing Social Security disability benefits, and recommending more efficient procedures that also improve access.
- Helping dozens of individual homeless children enroll in school, overcoming barriers based on their homeless status, and improving policies and practices to remove barriers for thousands more.
- Challenging Dallas laws that severely limit the ability of faith-based groups seeking to offer food to homeless and poor people in public places. The City has suspended enforcement pending the outcome of the case, which was tried last summer.

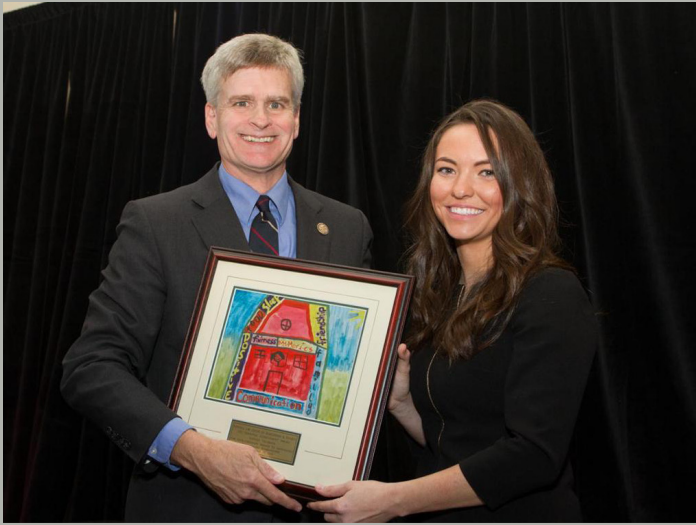
14TH ANNUAL MCKINNEY- VENTO AWARDS *November 15, 2012*



Sue Vento presented the Bruce F. Vento Award to John Joyce, of the Rhode Island Homeless Advocacy Project and Jim Ryczek of the Rhode Island Coalition for the Homeless



Congresswoman Eleanor Holmes-Norton, who presented the Pro Bono Counsel Award to Covington & Burling, Tim Hester, Chairman of Covington & Burling, and Maria Foscarnis



Congressman Bill Cassidy presenting the personal Achievement Award to Danae Vachata



Christopher "Kip" Makuc, of Navigant, recipient of the special Pro Bono Assistance Award and Georgia Kazakis



Sandra Lee, Food Network star and philanthropist, received the Stewart B. McKinney Award

We're proud to have honored Emmy Award-winner and philanthropist **Sandra Lee**, Rhode Island Senator **John Tassoni**, the **Rhode Island Coalition for the Homeless**, Rhode Island **Homeless Advocacy Project**, formerly homeless student **Danae Vachata**, **Covington & Burling**, and **Navigant** for their efforts to end homelessness.



Board member and prior Personal Achievement Award recipient GW Rolle



Senator Sheldon Whitehouse presented the Stewart B. McKinney Award to Sandra Lee



Left to right: Board members Kirsten Johnson Obey and Erin Sermeus, Erin's mother, Mistress of Ceremonies and ABC 7 Anchor Rebecca Cooper, and Maria Foscarinis.



Filmmaker Harry Ganz. We showed a special preview excerpt of his documentary, **American Winter**, a gripping window on the reality of homelessness and poverty in America.

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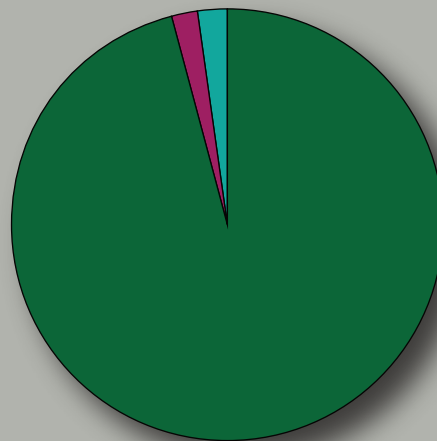
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




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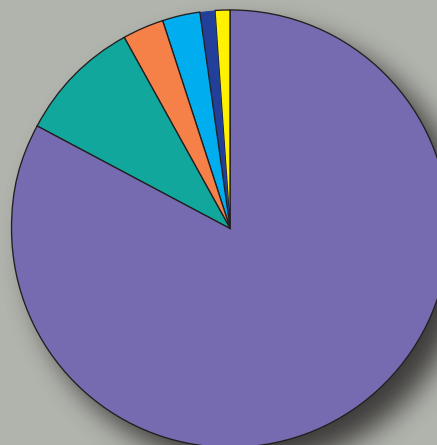
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2%		Administration
2%		Fundraising



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The Homelessness Law blog offers unique commentary on the movement to end homelessness. We invite you to engage in this conversation by leaving your comments.

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Connect with fellow advocates, attorneys, and policymakers on the Law Center's Homelessness Wiki. This central, online tool promotes information-sharing among leading national and local advocacy groups.

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