

# HOUSING NOT HANDCUFFS

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## e-news update

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October 2018

Dear Supporters and Endorsers of the Housing Not Handcuffs Campaign,

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#HNH  

This has been an extremely exciting month for the Housing Not Handcuffs Campaign, with multiple court victories and many communities stopping enforcement of criminalization laws and beginning to explore shelter, housing, and other alternatives! See stories below. Also, the Campaign continues to grow, over 750 endorsements so far! [Keep encouraging your friends, colleagues, and elected officials to endorse.](#)

If you have submissions for the next newsletter, please fill out [this Google form](#) by **November 12.**

## Campaign Updates



## Post-Martin v. Boise Updates

In September, the Law Center together with Idaho Legal Aid Services and Latham & Watkins won a major victory in the 9<sup>th</sup> Circuit, affirming the principle that cities cannot “criminalize conduct that is an unavoidable consequence of being homeless—namely sitting, lying, or sleeping on the streets” when there are more homeless persons than available shelter beds or in the absence of other adequate alternatives.” We have already seen policy reforms in response in [Berkeley, CA](#), [Modesto, CA](#), [Sacramento, CA](#), [San Francisco, CA](#), [Portland, OR](#), [Roseburg, OR](#), [Moses Lake, WA](#), and [Olympia, WA](#). Use our [fact sheet](#) to keep the momentum going, and please let us know if you hear of additional cities reforming by tweeting [@HNHCampaign](#) or sending us an [email](#)!

## Panhandling Campaign Updates

Less than two months ago, the Law Center along with 18 Housing Not Handcuffs partners in 12 states launched a nationwide effort to strike down bans on panhandling. The 2015 Supreme Court decision in *Reed v. Gilbert* held that if an ordinance regulates speech differently based on its content—like whether it asks for a donation versus asking for directions—it is subject to the

strictest level of review, and is unlikely to be found constitutional. The Law Center and partners sent letters to more than 240 communities with panhandling ordinances similar to the ones that have been found unconstitutional demanding those laws be repealed. Since the campaign launched, 15 cities have repealed their ordinances and 30 cities have committed to review and amend or repeal their ordinances (see map [here](#)).

The City Attorney of Waukesha, WI sums it up well: "We have done our research, communicated with other city attorneys, and looked at this from every angle, and we have reached an inescapable conclusion: The ACLU is right, our ordinance doesn't pass muster under a couple of recent case decisions from the U.S. Supreme Court (*Reed v. Town of Gilbert*) and the 7th Circuit Court of Appeals (*Norton v. City of Springfield*)."

Ultimately the goal is to make sure that people don't have to ask for donations in the first place. Read below for an example of the panhandling campaign in action.

### **Decatur City Council Repeals Panhandling Ordinance**

As the result of a letter sent through the HNH Panhandling Campaign from the [ACLU of Illinois](#), the [Chicago Coalition for the Homeless](#) and the [National Law Center on Homelessness & Poverty](#), the Decatur City Council voted 6-1 to repeal its panhandling ordinance. The ordinance banned solicitation in public buses, within 15 feet of a bank or ATM, and the solicitation of money in public in "an aggressive manner". Councilman David Horn endorsed the effort saying, "The city of Decatur needs to focus its attention on investing in people and neighborhoods so that the underlying causes that lead people into poverty are eliminated." The Panhandling Campaign has succeeded in convincing many city councils like Decatur's to repeal unconstitutional ordinances all over the country.

### **Arkansas Panhandling Lawsuit**

At the end of September, the [ACLU of Arkansas](#) won a lawsuit against the City of Rogers' panhandling ordinance. The City argued that it enacted the law in order to prohibit people from approaching cars in traffic and on streets. U.S. District Judge Timothy Brooks rejected the city's argument that the ordinance was about traffic safety. He noted that it regulates only pedestrians, not drivers, and that it is rooted in an effort to prohibit panhandling. The ACLU also pointed out it is not only panhandlers impacted, but activists and those handing out materials as part of their right to protected free speech.

### **Imagine a Day Without Water Recap**

On October 10<sup>th</sup>, the Housing Not Handcuffs Campaign participated in [Imagine a Day Without Water](#), a national education campaign to engage stakeholders, public officials, and the general public about how water is essential, invaluable, and needs investment. The HNH Campaign took this opportunity to draw attention to the connection between lack of access to water and the

criminalization of homelessness. Many people who are experiencing homelessness lack access to clean water for drinking and basic hygiene. Local policies that criminalize people who need to take care of their biological needs by restricting access to public restrooms and water fountains can result in medical emergencies and unwanted interaction with law enforcement. Thank you to all the organizations and individuals who took part in the campaign by sharing [informational images and tweets](#)! We were able to engage many people on an issue that most often do not think about and appeal to members of fields that are usually not directly involved in issues of homelessness.

## Hunger and Homelessness Awareness Week

Hunger and Homelessness Awareness Week is an annual program where people come together across the country to draw attention to the problems of hunger and homelessness. Participating groups spend the week holding a series of educational, service, fundraising, and advocacy events. This year, Hunger and Homelessness Awareness Week will take place from November 10th to 18th. Learn more about how to get involved [here](#).

## Senator Warren's American Housing and Economic Mobility Act

At the end of September, Senator Elizabeth Warren (D-MA) introduced the American Housing and Economic Mobility Act. The legislation aims to help end housing poverty and homelessness in America. Some key pieces of the proposed legislation include: providing \$445 billion over 10 years to the national Housing Trust Fund, expanding fair housing act protections to ban discrimination based on sexual orientation, gender identity, marital status, and source of income, investing \$2 billion in HUD's Indian Housing Block Grants to build or rehabilitate 200,000 homes on tribal land, expanding funding for USDA Rural Housing programs to create 380,000 affordable rental homes, and increasing estate taxes for the highest-income households. While these are just a few of the changes the bill would make, you can read the National Low Income Housing Coalition's full factsheet [here](#).

## UN Human Rights Expert Releases Report on Encampments

Last month, [UN Special Rapporteur on the Right To Adequate Housing Leilani Farha](#) issued her [thematic report on Informal Settlements](#) to the UN General Assembly, and this month she presented it at numerous events hosted in New York by the USA-Canada Alliance of Inhabitants. The report highlights that a "human rights-based approach to informal settlement upgrading, based on the right to remain in situ where possible, and to be adequately housed nearby when relocation is necessary or preferred, is an essential component of a broader commitment to bringing human rights to cities..." The report also states "Attempting to discourage residents from remaining in informal settlements or encampments by denying access to water, sanitation and health services and other basic necessities, as has been witnessed by the [Special](#)

[Rapporteur in San Francisco and Oakland](#) ... constitutes cruel and inhuman treatment and is a violation of multiple human rights, including the rights to life, housing, health and water and sanitation. Such punitive policies must be prohibited in law and immediately ceased." It also notes that "Following expressions of concern from the Human Rights Committee, the United States federal government introduced funding incentives for municipalities to rescind bylaws that criminalize homelessness. More robust measures, however, are required." The report makes numerous other recommendations, and should be used to complement domestic advocacy against criminalization and in favor of rights-based approaches to encampments.

## Use of Campaign Branding

We encourage campaign endorsers to link relevant events to the national Housing Not Handcuffs campaign. Please see the guidelines for branding your materials [here](#).

**HOUSING**  
**NOT HANDCUFFS**

## In the News

My Columbia Basin, October 5, 2018

[Panhandling is Now Legal](#)

Chicago Tribune, October 5, 2018

[Oak Park Board Repeals Panhandling Ordinance; One Trustee Suggests 'Giving Meters'](#)

LAist, October 5, 2018

[Is LA Really Going to Federal Court to Argue it Can Seize And Destroy Homeless People's Property?](#)

Des Moines Register, October 8, 2018

[Des Moines City Council Repeals City's Panhandling Ordinance](#)

CBS46, October 8, 2018

[Lost-N-Found Youth Works to Get Homeless LGBTQ Teens in a Safe Space](#)

Chicago Tribune, October 9, 2018

[Elgin to Consider Revamping Restrictions on Panhandling](#)

The Washington Post, October 9, 2018

[1 in 6 Older Black People Have Been Homeless at Some Point in Their Life, Study Finds](#)

Courthouse News Service, October 12, 2018

[Homeless San Diegans Lead National Fight of Vehicle-Camping Laws](#)

New York Times, October 15, 2018

[Homelessness in New York Public Schools Is at a Record High: 114,659 Students](#)

Wall Street Journal, October 15, 2018

[Homeless Advocates Get Sitdown with Housing Officials](#)

Los Angeles Daily News, October 16, 2018

[In Los Angeles, a Growing Number of Murder Victims Are Homeless, Police Say](#)

**NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY**

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