

HOUSING
NOT HANDCUFFS
e-news update

January 2020

Dear Supporters and Endorsers of the Housing Not Handcuffs Campaign,

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This month has been a time of action for the Housing Not Handcuffs Campaign! In part due to the Law Center's involvement, the threat of an executive order on homelessness by the Trump Administration did not manifest. Progressive lawmakers announced a package of bills that will include legislation endorsing housing as a human right. Multiple communities have now committed to stop enforcement and even repeal their criminalization laws and instead explore shelter, housing, and other alternatives. This is in no small part due to the members of this Campaign, which has surged past 1,000 endorsements. Learn more about the change that is happening below, and 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 February 26th.**

Campaign Updates

NLCHP Helps Avert Executive Order Threat, But Caution Still Warranted

On Tuesday, January 14, the Washington Post reported that the Trump Administration is no longer intending to release a rumored executive order on homelessness which would have potentially resulted in razed encampments and forced incarceration of former residents in mass-tent facilities.

The Post credits the Law Center's victory at the Supreme Court in *Martin v. Boise*—which protects people experiencing homelessness from prosecution for life sustaining activities in the absence of adequate alternatives—as among the reasons for the changed strategy. Also important were restrictions imposed by Congress on the Department of Housing & Urban Development's (HUD) Notice of Funding Application, requiring it to retain the priorities of the 2019 application which includes a priority on fighting criminalization of homelessness, added thanks to Law Center advocacy in 2015. These

restrictions came following coordinated advocacy by the Law Center and partners in its Homeless Advocates Group.

While the executive order may no longer be forthcoming, the threat has not yet passed. The Administration issued a white paper in September laying out its priorities—including increasing law enforcement—under the misguided belief that the streets are “too comfortable” for people experiencing homelessness, and has appointed Robert Marbut as the new Executive Director of the U.S. Interagency Council on Homelessness. Marbut has called for communities to increase criminal enforcement to drive people into jail-like shelters. HUD Secretary Ben Carson recently wrote a letter to Los Angeles Mayor Eric Garcetti, stating additional federal funds to address homelessness would only be made available if policy changes are made—including “empowering and utilizing local law enforcement.” Carson also stated in a recent Fox News interview, that officials needed to “uncuff law enforcement so that people can be removed now and placed in transitional places.”

As the Administration shifts from a national to a more city-by-city strategy, it will be important for endorsers to utilize the resources on the Housing Not Handcuffs Campaign website to combat myths around homelessness and resist attempts to induce more criminalization of homelessness, and instead focus on housing-based solutions. The Law Center will remain vigilant to ensure the rights of people experiencing homelessness are protected, and that, ultimately, we move toward a human right to housing, so that no one need experience homelessness in the first place.

NLCHP Provides Report and Testimony in Preparation for Universal Periodic Review

On January 24, 2020, representatives from the Law Center offered testimony at a Washington, DC consultation with representatives from various embassies as part of the Universal Periodic Review (“UPR”). The UPR is a process that occurs every five years to “improv[e] the human rights situation on the ground of each of the 193 United Nations Member states.” In preparation for this review, advocates across the United States submitted reports as well as provided testimony to suggest recommendations for the Human Rights Council (“HRC”) to offer to the United States to address human rights crises.

In its 2019 report, the Law Center detailed the progress since the 2015 UPR. In 2015, the United States committed to the “1) progressive recognition of the right of all residents in the country to adequate housing, food, health and education, with the aim of decreasing poverty; 2) invest further efforts in addressing the root causes of recent racial incidents and expand its capacity in reducing poverty in neighbourhoods experiencing sub/par public services, including access to adequate housing and public safety, and 3) amend laws that criminalize homelessness.” The Law Center detailed that since 2015, homelessness has not reduced, that homeless persons are still vulnerable to criminalization, that there is still an affordable housing crisis, and that the affordable housing market is plagued by discrimination. To resolve these issues, the Law Center recommended that the U.S. acknowledge housing as a human right, offer better protections to persons at risk of eviction, protect

homeless persons from experiencing criminalization, ensure adequate affordable housing, and end housing discrimination.

At the consultation, Housing Not Handcuffs Campaign Manager Rajan Bal summarized the issues presented in the report and offered the Law Center's recommendations on housing affordability and criminalization. Additionally, Kelly Miller, a person experiencing homelessness and a fierce human rights advocate who volunteers with the Law Center offered testimony regarding homelessness and health care. Specifically, she detailed difficulties and maltreatment homeless persons experience when seeking medical care.

Representatives Reveal Housing Policy Bills, Endorse Housing as a Human Right

On January 29, 2020, U.S. Representative Pramila Jayapal unveiled the Housing is a Human Right Act within a package of housing policy bills backed by [The People's Housing Platform](#). Representative Jayapal stood strong with her sisters-in-service Representative Alexandria Ocasio-Cortez, Representative Ilhan Omar, Representative Ayanna Pressley, and Representative Rashida Tlaib, as well as Representatives Jesús García and Earl Blumenauer. Together the legislators declared, "Housing is a human right!"

The Law Center proudly worked with Representative Jayapal's office to develop the Housing is a Human Right Act, which will be publicly revealed in its own press conference next month. In her remarks, Representative Jayapal exclaimed that homelessness is a crisis and that homelessness policy must be grounded in the ideal that housing is a human right. She expressed that the homelessness crisis arose from a society that failed to make providing affordable housing a priority. She emphasized that housing first is the most effective way to solve this crisis. In the Housing is a Human Right Act, Representative Jayapal promised to prioritize housing, not handcuffs.

We are very excited that lawmakers and presidential candidates alike have been discussing the homelessness crisis, housing affordability, and combating the criminalization of homelessness. We look forward to continuing our work with Representative Jayapal's office and to the official unveiling of the Housing is a Human Right Act. For more updates, please refer to the Law Center's website as well as to news related to The People's Housing Platform.

San Francisco Police Commission Commits to Developing Alternative Responses to Homelessness

On January 15, 2020, the San Francisco Police Commission unanimously passed a [resolution](#) titled "Resolution for Effective Response to Homelessness and Complaints Regarding Presence of Homeless People." In this resolution, the Police Commission committed to developing alternative responses, rather than police intervention. The Police Commission asserted that the homelessness crisis in San Francisco arose from a federal divestment in developing affordable housing and that police intervention is a costly and ineffective default response to addressing people experiencing homelessness.

It also referenced a 2015 USICH [report](#) detailing best practices to address people living in encampments, available funding streams to promote alternatives to criminalization, and the 9th Circuit decision *Martin v. Boise*, which prohibited a person for sleeping outside on public property in the absence of adequate alternatives.

Instead, the Police Commission called for the Board of Supervisors and Mayor's office to create a working group that consists representatives from "the departments of Homelessness and Supportive Housing, Public Health, the Police Department, other related departments, community organizations and those personally impacted by homelessness." The working group would be "tasked with developing alternatives" so that San Francisco could "move from a police response to a more effective health and human services response to homelessness."

While the working group will take time to develop a satisfactory alternative response, we laud the initiative shown by the San Francisco Police Commission in addressing the seriousness of the crisis and the ineffectiveness of police intervention, especially in light of competing public narratives from the Trump administration.

City of Wilmington Removes Part of City Code Criminalizing Panhandling

On July 17, 2019, the Law Center as well as the Delaware chapter of the ACLU submitted a [letter](#) to the City of Wilmington decrying its panhandling ordinance. Specifically, the Wilmington ordinance prohibited persons from soliciting money under various circumstances. For example, the ordinance prohibited soliciting money after sunset and before sunrise or within a few feet of the person being solicited. If a person needed to solicit money for more than five days in a calendar year, they had to obtain a permit from the police department.

The letter referred to the restrictions on panhandling as content-based restrictions on speech. To withstand judicial review, content-based restrictions on speech must satisfy strict scrutiny. To satisfy strict scrutiny, the City of Wilmington would have had to show that its panhandling ordinance served a compelling government interest and was narrowly tailored to serve that interest. In this letter, the Law Center and the ACLU referred to the unanimous repeal of panhandling ordinances challenged in federal court since *Reed v. Gilbert* and the similarity of the Wilmington ordinance to those repealed ordinances. They did so to show that Wilmington's ordinance, like the other repealed ordinances, would fail to withstand strict scrutiny. In response to this letter, the City of Wilmington ceased enforcement of the ordinance.

On January 16, 2020, the City of Wilmington voted to repeal the offending portions of the panhandling ordinance. Wilmington removed the permit provision as well as the restrictions on panhandling during certain times of the day. You can read more about this victory [here](#).

Announcements

2019 State Index on Youth Homelessness

On February 5, 2020, the National Law Center on Homelessness & Poverty (Law Center) and True Colors United released the 2019 State Index on Youth Homelessness. This is the second consecutive year that these two organizations have come together to evaluate all 50 states and the District of Columbia on their efforts to prevent and end youth homelessness. Read the full index [here](#).

Annual Forum Dates Announced

Save the date! The Law Center's annual forum will be hosted by Akin Gump on June 3-4, 2020. Be on the look out for more information on the forum as well as how to register!

HNH One Pager

This [one pager](#) provides an overview of the HNH Campaign and outlines concrete ways for people to get involved. It also includes a fact sheet on the criminalization of homelessness. This tool is useful to share with people who are already familiar with homelessness issues and are looking for more information about the HNH Campaign.

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](#).

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In the News

Mic (12/18/2019) [Supreme Court Won't Hear Homelessness Case in Win for Advocates](#)

AL Reporter (12/20/2019) [SPLC Applauds Montgomery Council for Repealing Panhandling Ban](#)

CGTN (12/24/2019) [Maria Foscarinis Explains the Struggles of Homelessness](#)

The News Tribune (12/31/2019) [Influential Homeless Advocacy Group Says Tacoma Taking 'Gamble' on Tent Ban, Urges Repeal](#)

dcist (1/7/2020) [D.C. Will Permanently Remove Homeless Encampments Under NoMa Underpass](#)

The Lens (1/9/2020) [City Disposes of Homeless Residents' Property, Fails to Report on Outreach Efforts, In Spite of New Law](#)

Nevada Current (1/10/2020) [Local Data Confirms Homelessness is Criminalized](#)

48hills (1/16/2020) [Police Commission Votes Against Using Cops to Address Homelessness](#)

Legal Reader (1/22/2020) [Advocates Argue California's Homeless Shouldn't Have Their Necessary Belongings Tossed in the Trash](#)

The CT Mirror (1/27/2020) ['Right to Housing' Gains Traction Among Top Legislators Heading into Session](#)

**NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY**

This newsletter was designed, drafted, and distributed by the
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on behalf of the Housing Not Handcuffs Campaign

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