3. Food Inadequacy

Food Inadequacy

“Food security” says the Department of Agriculture, refers to access by all people at all times to enough food for an active, healthy life. This issue is also referred to as “food insecurity,” which occurs when a person who does not know from where his/her next meal will come, or does not have consistent access to nutritional food. The number of people who are struggling to put food on the table remains at record levels, with one out of every six Americans—49 million people—at risk of hunger. And of that figure, almost 16 million are children. It is not just unemployed or homeless individuals who need food, but middle-class families, the working poor, children, and the elderly. And they live not just in the inner city, but in the suburbs and rural areas as well. In response to this national issue, the ABA House of Delegates passed Resolution 107 in 2014 calling for increased funding and a reordering of priorities to fight hunger in the United States. The resolution also urges the U.S. government to make the realization of a human right to adequate food a principal objective of domestic policy. Serving as a framework to combat food insecurity issues, the resolution calls upon government at all levels to:

- Help government agencies set priorities to implement the right to adequate food and nutrition;
- Provide support for advocacy groups;
- Create pressure to end policies which fail to guarantee the human right to food; and
- Allow us to focus on how to solve the problem rather than whether the U.S. government has a duty to solve the problem

Over the years, the ABA has taken policy positions and sponsored position papers focused on the various issues involved with this topic. These policies and positions are based on the knowledge and intellectual work product of lawyers who could be in a unique position to strengthen community-based efforts to address structural barriers to food security in low-income communities. Lawyers can work shoulder-to-shoulder with stakeholders including community-based entities, providers/advocates, academic communities, foundations/funders, politicians, program users/beneficiaries and the general public to use the law and justice system to tackle systemic barriers and obstacles to food security.

The ABA Commission on Homelessness & Poverty has compiled for informational purposes only—and without any intended endorsement—the following issues and potential strategies for consideration as each community develops its own unique local plan of action for eliminating legal and justice system related policies, practices, and procedures that unfairly perpetuate or worsen the harmful effects of poverty, particularly those that serve as unfair obstacles and barriers to food security. The Commission is able to offer technical assistance in identifying and convening community stakeholders for roundtable discussions to develop strategic plans for local community action.
ISSUE: LACK OF AWARENESS ABOUT FOOD INSECURITY

STRATEGIES:

• Educate your local community about the need for the SNAP program and also the current insufficiency of the monthly allocation to low-income families and individuals through programs such as “food stamp challenges” where volunteers try living for one week on a meager food stamp budget. They are provided information about the number of people who have to rely entirely on SNAP for their food budget in order to promote personal understanding of the need to increase funding for SNAP to expand and supplement family/individual allocations.

RESOURCES:

Collaborative Grassroots Campaign: During the summer of 2015, the Center for American Progress, the Coalition on Human Needs, the Food Research and Action Center (FRAC), Witnesses to Hunger, Feeding America, and the Academy of Nutrition and Dietetics joined together to launch a national grassroots campaign asking individuals and service providers to share their personal experiences about the impact of the Supplemental Nutrition Assistance Program (SNAP), and child nutrition programs, such as school lunch, breakfast, summer meals, and the Women, Infants, and Children (WIC) program. “Community Voices: Why Nutrition Assistance Matters,” makes a clear and compelling case that Congress should protect SNAP during end-of-year funding negotiations and strengthen school lunch, summer meals, WIC, and other programs that ensure better outcomes for children and their families. Click here for more information.

The Food Research and Action Center (FRAC) is a leading national nonprofit organization working to improve public policies and public-private partnerships to eradicate hunger and undernutrition in the United States. FRAC works with hundreds of national, state and local nonprofit organizations, public agencies, corporations and labor organizations to address hunger, food insecurity, and their root cause, poverty. Click here for more information.

The National Sustainable Agriculture Coalition is an alliance of more than 90 grassroots organizations that advocates for federal policy reform to advance the sustainability of agriculture, food systems, natural resources, and rural communities. Click here for more information.

ISSUE: AVAILABILITY OF HEALTHY AND NUTRITIOUS FOOD

STRATEGIES:

• Advocate for Congress to pass permanent federal tax credits for non C-Corporations for food donations. Currently, the tax code allows for a permanent credit for food donation only to C-Corporations, not to any other type of business entity. Other businesses are required to apply for an annual renewal for the credit, making it cumbersome for smaller business entities to participate in food sharing programs.
• Advocate for federal, state and local legislation to expand enrollment in free breakfast/lunch programs for low income families, such as legislation that allows local school districts to provide free breakfast and/or lunch to all public school children, regardless of financial qualification. This kind of legislation eliminates barriers to enrollment for low-income families and eliminates the stigma that low-income children might experience.

• Encourage legislatures and local school boards to consider establishing school-based breakfast and dinner programs, as well as summer programs for areas with a high percentage of children enrolled in the free and reduced lunch program.

• Encourage legislatures, local school boards and the business community to consider offering optional healthy snacks in school vending machines.

• Encourage legislatures and local school boards to incorporate the CDC’s 5-2-1-0 childhood obesity programs for children (and adults) wherever possible in governmental food programming.

• Encourage legislatures to consider passing laws to require all food stores to accept the Women, Infants and Children’s (WIC) federal nutritional program vouchers and for vendors at farmers’ markets to accept EBT cards for purchases.

• Collaborate with all governmental, business and community stakeholders to establish programs like Washington D.C.’s “Healthy Corners” program that delivers healthy, affordable produce and snacks to corner stores or other locations in areas with a shortage of healthy food options.

• Collaborate with local governments, providers and faith-based communities to establish more community gardens.

• Collaborate with pertinent local governmental agencies and community providers to connect those in need of assistance with available resources. Embed outreach providers in existing programs to assist people with signing up for SNAP, TANF, free breakfast/lunch or other such food programs and services.

• Collaborate with faith-based organizations, non-profits and the private sector to embed outreach providers with ongoing direct-services programs and utilize faith-based networks for informational campaigns and provision of direct-services.

• Collaborate with the healthcare community to add food security screening to ER triage and other healthcare facilities with the goal being to flag individuals who need connections to available food security resources.

• Create community resources referral networks to connect those in need of assistance to available programs and providers.
RESOURCES:

AARP and AARP Foundation represent 37 million people age 50 and older and champion causes to fight hunger in one of the country’s least food-secure populations—the elderly. These organizations work with state and community partners and volunteers to help older adults enroll in the Supplemental Nutrition Assistance Program, Commission research on the causes and consequences of senior hunger, and award grants to help develop or expand sustainable solutions for older-adult anti-hunger programs that have the potential to be scaled. Click here for more information.

The Fair Food Network works at the intersection of food systems, sustainability, and social equity to provide access to healthy, fresh and sustainably grown food, especially in underserved communities. Click here for more information.

Feeding America began in 1979 as a clearinghouse for national food donations and is now the nation’s largest domestic hunger-relief organization—a powerful and efficient network of 200 food banks across the country. Click here for more information.

The Food Trust is working throughout the United States and internationally to make healthy food available to all by collaborating with neighborhoods, schools, grocers, farmers and policymakers to develop a comprehensive approach that combines nutrition education and greater availability of affordable, healthy food. Click here for more information.

The Meals On Wheels Association of America represents community-based senior nutrition programs across the country, serving approximately one million meals a day to the nation’s seniors through two methods of food distribution: direct delivery to homebound seniors and adults with disabilities, and congregate meals served in group settings such as a community center or long-term care facility. Click here for more information.

Share Our Strength focuses on making No Kid Hungry a reality in America. Because families at risk of hunger need access to food and the skills to make healthy meals with their resources, nutrition education is a key part of the No Kid Hungry campaign. Through its Cooking Matters program, nutrition educators and chefs equip low-income families with skills to stretch their food budgets, shop smarter, make healthier food choices and cook delicious, affordable meals. Working together to identify and eliminate barriers that may prevent children from accessing food and nutrition resources, Share Our Strength’s partnerships support not only direct programming, but also the online No Kids Hungry Center.
for Best Practices, offering case studies, white papers, guides and toolkits. Click here for more information.

ISSUE: LAWS AND PRACTICES THAT CREATE OBSTACLES TO ACCESS LIFE SUSTAINING FOOD

STRATEGIES:

• Oppose the enactment of—or support the repeal of—laws and policies that punish persons experiencing homelessness for carrying out otherwise non-criminal life sustaining practices or acts in public spaces, such as eating, or punish persons for providing food or other critical assistance to people who are homeless.

• Private attorneys can offer to support the work of local legal services and/or food adequacy organizations by volunteering to track state and local legislative agendas and provide legislative support in combating legislation that seeks to restrict the rights of persons to eat and engage in other basic life necessities. See 2007 ABA Policy Resolution 106.

• Advocating for federal, state and local governments to provide fair and prompt access to SNAP and other life sustaining programs (e.g. TANF). Many qualifying people are deterred by the daunting process and many people in urban communities wait hours to apply for food stamps.

• Many communities have filed lawsuits to challenge delays in the distribution of food stamps to eligible families and individuals. Communities interested in pursuing this kind of litigation should consider the coordination and consultation assistance available through the National Center for Law and Economic Justice. Contact Marc Cohan, Director of Litigation at cohan@nclej.org or call 212 633-6967, the National Center for Law and Economic Justice. Click here for more information.

• Advocate against laws and practices that create barriers to access, such as mandatory drug testing for receipt of benefits and the failure to provide reasonable accommodations to persons with disabilities who desire to apply for benefits.

ABA POLICIES

The ABA House of Delegates establishes Association policy. This policy-making body is comprised of approximately 550 delegates who represent various groups within the ABA and the legal profession as a whole. ABA policy statements have successfully been used as the foundation for legislative advocacy campaigns on the federal, state and local levels with advocates highlighting the policy as the statement of the organized bar.

The Commission on Homelessness & Poverty has developed a comprehensive body of policy positions that have been approved by the ABA House of Delegates; these policy statements are available
online here, and the Commission is equipped to provide free technical assistance to advocates. A searchable database of all policy resolutions adopted by the ABA may be accessed here.

The following ABA policies address issues related to food inadequacy:

**The Human Right to Adequate Food and Nutrition** (February 2014)

RESOLVED, That the American Bar Association urges governments to promote the human right to adequate food and nutrition for all through increased funding, development and implementation of strategies to prevent infringement of that right.

FURTHER RESOLVED, That the American Bar Association urges the United States government to make the realization of a human right to adequate food a principal objective of U.S. domestic policy.

**Decriminalization of Homelessness** (February 2007)

*pertinent portion of the policy copied below

RESOLVED, That the American Bar Association opposes the enactment of, and supports the repeal of, laws and policies that:

1. punish persons experiencing homelessness for carrying out otherwise non-criminal life sustaining practices or acts in public spaces, such as eating, sitting, sleeping, or camping, when no alternative private spaces are available;

2. are enforced against persons experiencing homelessness to a greater extent than others who engage in the same practice or act; or

3. punish persons for providing food, shelter, or other critical assistance to people who are homeless.