American Bar Association
Commission on Homelessness & Poverty

Toolkit for Communities
to Develop and Operationalize Local Anti-Poverty Agendas

August 2017
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August 11, 2017

Dear Neighbors,

This Toolkit for Communities to Develop and Operationalize Local Anti-Poverty Agendas embodies some of the best collaborative work product of the American Bar Association and anti-poverty stakeholders from around the nation. For three years, it has been my honor to serve as Chair of the ABA Commission on Homelessness and Poverty under the civic-minded leadership of ABA presidents William Hubbard, Paulette Brown and Linda Klein. It has also been my great privilege to work alongside Members, Special Advisors, Liaisons and supporters of the Commission who were willing to suspend disbelief about whether an ABA anti-poverty initiative could make any real difference and join me in travels across the nation to share a hopeful message that lawyers do care about those experiencing poverty and are ready, willing and able to help.

Those who joined us at one of the anti-poverty roundtables experienced a glimpse of the awesome power that we the people can unleash if we remain hopeful and seek and pursue solutions collaboratively. We must collaborate to advocate effectively, and set aside convenient but often divisive intellectual, programmatic and funding silos. This next phase of our great movement towards freedom and justice for all must recognize that poverty is a state or lived experience caused and perpetuated by various, often compounded, factors that must be addressed in a holistic manner and through collaborative efforts of all stakeholders.

The Commission is pleased to present this Toolkit NOT as a resource that purports to provide all the answers to eliminating poverty, but humbly as a compilation of the best practices we have encountered thus far. These best practices are set forth within ten Blueprints for Action providing practical strategies to address the following ten manifestations of poverty: 1. Substandard and unaffordable housing and homelessness; 2. Disproportionate involvement in criminal and civil justice systems; 3. Food inadequacy; 4. Inadequate healthcare and poor health outcomes; 5. Inadequate education outcomes; 6. Lack of opportunity for full employment at a living wage; 7. Living through an unending and continuous cycle of crises; 8. Lack of personal and physical safety; 9. Stigma and lack of personal dignity; 10. Isolation from community and political infrastructure.

We look forward to receiving your feedback on the Toolkit. If you believe this Anti-Poverty Initiative is important and worthy of continued investment of ABA Goal III resources, kindly send a short email or letter to say so to your friends and colleagues serving as ABA Officers, members of the ABA Board of Governors, members of the ABA House of Delegates as well as to ABA Executive Director, Jack Rives (Jack.Rives@americanbar.org).

Sincerely yours in service of others,

Ted Small
Chair, American Bar Association Commission on Homelessness & Poverty
ACKNOWLEDGEMENTS

An impressive number of experts collaborated on a nearly three-year project that culminated with the compilation of this toolkit. Attorneys and experts from across the country conceived, drafted, reviewed and edited the materials for this toolkit. Perhaps more importantly, these same people are working to end poverty and making a difference in their communities. Thank you to all the Members, Special Advisors, Liaisons and friends of the Commission for helping us to conceptualize, frame and implement this multi-year initiative!!! Thank you also to the experts who led and participated in the roundtables held in Houston, DeLand, Miami, Chicago, San Diego, San Francisco, Birmingham, Montgomery, Selma, Oklahoma City, and Charleston. And finally, this Toolkit would not have been possible without the extraordinary editorial and substantive drafting contributions of the following:

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INTRODUCTION: LAWYERS WORKING TO END POVERTY

Background on the Anti-Poverty Initiative

Nearly 50 million Americans now live below the federal poverty line. Recent societal, economic and political events have given rise to unprecedented public awareness of income inequality in America. Americans are increasingly becoming aware of the number of individuals and entire families that live in poverty and the disparate treatment and impacts of the law and justice systems on communities of color and populations that face other barriers and obstacles to justice, such as disability, limited English proficiency, immigrant status and other factors.

Communities across the country are already addressing poverty with advocates, service providers, state/county agencies, the faith community and volunteers leading the way. The legal community is engaged in anti-poverty efforts in the form of civil legal aid, criminal defense, and pro bono legal services. Lawyers are also leading or supporting policy-based advocacy and legislative initiatives aimed at systemic change. The legal community can play a helpful role in supporting the efforts of the anti-poverty advocacy and provider communities as well as galvanizing political support.

In the fall of 2014, the Commission held a two-day meeting at the ABA Washington, DC Office to discuss the most pressing legal issues impacting low-income families and individuals and to develop a framework for a three-year anti-poverty initiative. Through this initiative, the Commission has identified, promoted and assisted in the implementation of best practices for eliminating legal and justice system-related policies, practices and procedures, including those tainted by structural racialization and other forms of bias, that perpetuate or worsen the harmful effects of poverty and discrimination on individuals, families and households, including barriers to individual and community well-being, personal and physical safety, food security, health care, education, employment at a living wage, safe, stable and affordable housing, meaningful political participation and access to justice.

Goal

The goal of the ABA Commission on Homelessness & Poverty initiative is to identify, promote and implement best practices for eliminating legal and justice system-related policies, practices and procedures, including those tainted by structural racialization and other forms of bias, that perpetuate or worsen the harmful effects of poverty and discrimination on individuals, families and households, including barriers to individual and community well-being, personal and physical safety, food security, health care, education, employment at a living wage, safe, stable and affordable housing, meaningful political participation and access to justice.

To assemble a Blueprint for Action for each of the 10 identified manifestations of poverty, Commission members and liaisons along with poverty experts
volunteered thousands of hours to research and conceptualize the pressing issues and compile strategies for communities seeking practical solutions to eliminate poverty.

Working in partnership with stakeholders from the state and local government, service providers, program user/beneficiaries, religious, academic, philanthropic, political and legal communities, the Commission hosted **Anti-poverty Roundtables** in a diverse set of communities—ranging from urban areas in large cities, smaller cities, suburban communities and counties, and rural areas—to reflect the broad range of geographies where poverty exists. The goal of each roundtable was to facilitate a meeting of 15-75 representative stakeholders who were interested in identifying, promoting and implementing best practices for eliminating poverty in that particular local community. To connect the discussion in one community with the national anti-poverty agenda, the Commission encouraged the designation of someone to take notes during each roundtable discussion and asked that person to develop an edited summary for posting to the Commission-moderated webpage titled: **Anti-Poverty Quilt**--Building an (Online) Anti-Poverty Movement...One Stich at a Time. This webpage allows each community to share its diverse perspective on the most pressing manifestations of poverty as well as its proposed solutions to eliminate poverty. By updating this website to summarize the ideas exchanged during each anti-poverty roundtable discussion, the Commission is stitching an “online quilt” to create a dynamic national resource of anti-poverty strategies and ideas. These shared ideas can be implemented in other communities which can then share its own anti-poverty strategies and thereby expand the reach and depth of the Anti-Poverty Quilt.
THE MANIFESTATIONS OF POVERTY

In an effort to focus the initiative, the Commission developed a working definition of “poverty”. While there are many, often compounding factors that contribute to poverty and the impact of poverty can vary widely, the Commission’s working definition of poverty seeks to encompass its most commonly recognized conceptual elements.

Poverty is a state or lived experience caused and perpetuated by various, often compounded, factors such as:

1. Substandard and unaffordable housing and homelessness;
2. Disproportionate involvement in criminal and civil justice systems;
3. Food inadequacy;
4. Inadequate healthcare and poor health outcomes;
5. Inadequate education outcomes;
6. Lack of opportunity for full employment at a living wage;
7. Living through an unending and continuous cycle of crises;
8. Lack of personal and physical safety;
9. Stigma and lack of personal dignity;
10. Isolation from community and political infrastructure.
ANTI-POVERTY ROUNDTABLES
and the ABA ONLINE ANTI-POVERTY QUILT

What is an Anti-Poverty Roundtable?

The American Bar Association’s Commission on Homelessness & Poverty convened “Anti-Poverty Roundtables” around the country as a key feature of its Poverty Initiative. Roundtables are meant to gather, sometimes for the first time, a broad and diverse group of community voices and stakeholders to meet, dialogue and learn from one another on the challenges they face and the work they are doing to eliminate poverty. Promising ideas, initiatives and practices learned through these gatherings have been shared to inspire similar efforts in other communities.

Roundtables can be convened in rural, urban, suburban and exurban communities big and small that are battling entrenched poverty or are facing growing poverty trends. Smaller communities may develop different approaches than larger communities, but have similar goals.

Criteria for Potential Roundtable Locations

- Select a diverse set of communities—ranging from urban areas in large cities, smaller cities, suburban communities and counties, and rural areas—to reflect the broad range of geographies where poverty exists.
- Communities should have a high rate of poverty and/or areas of concentrated poverty.
- Communities should have pressing issues or legal barriers that would benefit from the support of the ABA, the state and/or local bar, the legal community and larger advocacy/provider community.
- Communities that have suffered the harmful effects of economic and industry shifts, the loss of low-skill jobs, racial and economic segregation prompted by zoning and housing policies, urban flight and suburbanization as well as those with poor performing schools should be prioritized.
- Communities that employ criminalization efforts should be prioritized.
- Communities that could potentially benefit from technical assistance through one of the Commission’s other initiatives (i.e. Homeless Courts, Homeless Veterans, or the Legal Needs of Homeless Youth) should be prioritized.
- While communities should have activity in one or more of the areas listed in the manifestations of poverty, communities should not already have a comprehensive anti-poverty initiative.
- Communities that lack the organizational capacity to foster legislative advocacy and/or systems change should be prioritized, while communities with highly effective advocacy efforts should not—unless there is a clear need and role for the support of the Commission.
- Communities should demonstrate an interest in having the Commission partner on a roundtable.
- The Commission should have (or be able to identify) a local contact who is equipped and willing to assess the potential value of an ABA led anti-poverty roundtable, identify key stakeholders and critical participants, and assist the Commission in the development and implementation of the roundtable.
**Goals for Anti-Poverty Roundtables: “Begin with the end in mind.”**

Suggested measures of successful convening might include, for example:

- Helping communities to strengthen their anti-poverty efforts, especially in areas most adversely affected by poverty;
- Building support infrastructure to help sustain community connections and networks formed through the roundtables;
- Ensuring that communities articulate their own measures to assess the success of local anti-poverty efforts;
- Relationship-building that is respectful of different lived experiences;
- Honoring and appreciating grassroots knowledge as a valued asset in this work;
- Developing a shared understanding of structures, including those bolstered by the law and justice system, which can operate in ways that perpetuate poverty and exacerbate inequity for certain disadvantaged populations and communities;
- Strengthening and expanding active engagement by members of the legal profession in anti-poverty efforts linked with and accountable to community-based work.

**Tips for Conveners**

- Find natural community leaders, partners and coalitions led by low-income people, groups and organizations, and identify a central contact point/facilitator;
- Choose meeting sites that create a welcoming atmosphere conducive to relationship-building across differences and sensitive to real and perceived power differentials;
- Make sure all communication and facilitation expressly reflects, honors and welcomes the low-income community’s active participation and engagement;
- Scan for and remove as many barriers as possible to maximize engagement, participation and attendance. Barriers might include, e.g.: language; location/physical access for people with disabilities; time of day; transportation access and cost; food; and incentives.
- Follow up. Discussion should include specific action items and attempt to reach consensus on implementation strategies, i.e. next steps.
- Consider measures for success.
Anti-Poverty Quilt: Building an (Online) Anti-Poverty Movement…One Stitch at a Time

One of the goals of each anti-poverty roundtable is to develop a web-based “quilt” of anti-poverty ideas. These shared ideas can be implemented by other communities who in turn share their own strategies to eliminate poverty, creating an interwoven blueprint for action available to all communities. To create this quilt, the Commission suggests that one participant at each roundtable take notes on the discussion for later editing. The note-taker would not be expected to record verbatim notes, but rather summarize the intellectual nuggets with emphasis on those anti-poverty ideas and strategies that could be useful to other communities. The note-taken would eventually edit and forward those notes to the Commission for posting on the ABA’s Online Anti-Poverty Quilt so other communities can benefit from the ideas and strategies discussed at prior roundtables.

The suggested template for the roundtable summaries follows below.

1. Heading

2. Introduction – All draft introductions should include the following information:
   - The location of the discussion (e.g., law school, provider, church, organization)
   - A general description of the participants and/or the participating organization
   - The goals of the roundtable and/or the topics discussed

3. Format – When drafting the notes, one of the two following formats should be used:
   - Organize by speaker: Using notes from the discussion, compile a summary of the ideas brought up and agreed by consensus during the roundtable. Each summary should have reference to the main ideas presented in the introduction, and accurately represent the opinion of each speaker. Each summary should begin with the name of the participant and the organization they represent. The body of each summary should include the participant’s contributions on the range of subjects that they participated in. Each summary does not have to be limited to each speaker’s original ideas, but should also include how each speaker interacted with other ideas presented at the discussion.
     
     Example: Jon Doe of ------ stated that his focus would be on addressing the basic needs of the impoverished, as no other efforts could be successful without satisfying basic needs… etc. Jane Doe of ------ expressed that her focus would be… Regarding Jon Doe’s idea of addressing basic needs as a focus, Jane Doe stated… etc.

   - Organize by Idea: Organizing notes by idea may be effective in discussions where participation was free flowing with often short or quick statements from multiple participants. When organizing by idea, the notes should be divided into paragraphs addressing the main points of discussion during the roundtable. Each paragraph should include the opinions of each participant who contributed to the idea and how the idea relates to the goals stated in the introduction. Each paragraph should represent how discussion flowed regarding that topic and present any conclusions that the roundtable came to regarding that topic.

   Example: To begin the discussion, John Doe of ------ suggested the idea of a fundraising event to help combat poverty… Jane Doe of ------ stated that she had experience handling these types of events and could assist… etc.

   - Organize by Idea: Organizing notes by idea may be effective in discussions where participation was free flowing with often short or quick statements from multiple participants. When organizing by idea, the notes should be divided into paragraphs addressing the main points of discussion during the roundtable. Each paragraph should include the opinions of each participant who contributed to the idea and how the idea relates to the goals stated in the introduction. Each paragraph should represent how discussion flowed regarding that topic and present any conclusions that the roundtable came to regarding that topic.

   Example: To begin the discussion, John Doe of ------ suggested the idea of a fundraising event to help combat poverty… Jane Doe of ------ stated that she had experience handling these types of events and could assist… etc.

4. Conclusion – The conclusion to the notes should simply give a summary of how the meeting ended, and include any plans regarding:
   - An additional discussion, including who can attend and when
   - Any actions to be taken as a result of the roundtable
   - Any changes to the format, host or location of the next meeting
BLUEPRINTS FOR ACTION

The ABA Commission on Homelessness and Poverty is committed to educating the bar and the general public about homelessness and poverty and the ways the legal community can collaborate with advocates and providers to assist those in need. As a result of this commitment, the Commission has developed a series of “blueprints for action” that are cross-disciplinary and specifically address each of the identified manifestations of poverty. These blueprints are for informational purposes only and without any intended endorsement. The following Issues and potential Strategies are for consideration as each community develops its own unique local anti-poverty action plan.

Over the years, the ABA has taken policy positions and sponsored position papers focused on the various issues involved with these topics. 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 the root causes of poverty. 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. 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.

1. Substandard and Unaffordable Housing and Homelessness

Substandard and Unaffordable Housing and Homelessness: The Human Right to Adequate Housing

The American Bar Association has policy urging governments to promote the human right to adequate housing for all through increased funding, development and implementation of affordable housing strategies and to prevent infringement of that right. The policy and supporting report provide a framework for progressive realization of that right. While implementing the human right to housing would not require the government to immediately build a home for each person in America or to provide housing for all free of charge overnight, it would require more than some provision for emergency shelter, piecemeal implementation of housing affordability programs, and intermittent enforcement of non-discrimination laws, all of which exist in some form in all local U.S. communities and have failed as a whole to eliminate homelessness or poverty. It requires an affirmative commitment to
progressively realize the right to adequate housing, whether through public funding, market regulation, private enforcement, or a combination of all of the above.

The resolution and report call for the implementation of policies promoting the human right to adequate housing for all—including veterans, people with disabilities, older persons, families, single individuals, and unaccompanied youth—which, at minimum, includes:

- Affordability, habitability, and accessibility;
- Provision of security of tenure, access to services, materials, facilities, and infrastructure;
- Location proximate to employment, health care, schools, and other social facilities;
- Provision of housing in areas that do not threaten occupants’ health; and
- Protection of cultural identity or diversity

Even where needy applicants are able to obtain housing assistance or access affordable housing, they often face discrimination in the private housing market on the basis of race, disability, gender, sexual orientation, source of income, criminal background, or other status. More work needs to be done to ensure equal access to housing resources. This includes ensuring availability of various types of home and community based support services that enable individuals and families to live independently as long as possible. Additionally, as was seen following Hurricanes Katrina and Sandy, many traditionally marginalized groups feel a disparate impact during natural disasters, and the right to adequate housing must be ensured appropriately in the post-disaster context as well.

ISSUE: SUBSTANDARD HOUSING

Underfunding for public housing leaves many affordable units in disrepair and lack of meaningful enforcement—including lack of access to legal counsel—has rendered housing codes ineffective. Substandard housing is not merely a housing issue; substandard housing is a public health issue. Poor housing conditions are associated with a wide range of health conditions such as respiratory infections, asthma, lead poisoning, injuries, and poor mental health. Substandard housing also presents safety issues such as exposed heating sources and fires, unprotected upper-story windows and poorly designed stairwells with inadequate lighting.

STRATEGIES:

- Collaborate with public health agencies, lawyers and other advocates to mount legislative advocacy initiatives to have housing recognized as a human right and to obtain funding to enforce existing laws and policies protecting the housing rights of individuals and families.
- Collaborate with government agencies and the local Homeless Continuum of Care to set priorities to implement the right to housing—including increased funding, development and implementation of affordable housing.
• Connect residents with state or local advocacy groups and legal service providers who are equipped to secure repairs and prevent unjust rental demands and eviction. The ABA Legal Services Directory provides state-by-state guides of available legal resources.

• Identify and collaborate with key stakeholders responsible for the development and enforcement of housing codes—typically the responsibility of housing and construction departments, and sometimes the health department which might issue and enforce housing codes that address a limited set of concerns (e.g., plumbing, sanitation, occupancy).

• Modernize housing codes to encompass an expanded set of current concerns (e.g. pest control, lead-based paint, carbon monoxide, mold abatement, internet access).

RESOURCES:

• The Alliance for Healthy Homes and Communities, a national policy and advocacy organization, has developed a model for advocacy that focuses directly on environmental hazards in homes to point the attention of officials and other policy makers toward real prevention. Documenting hazards in specific homes can illustrate the connection between health hazards and substandard housing conditions and lay the foundation for local initiatives to address housing-related hazards before occupants get sick. The Alliance’s Community Environmental Health Resource Center (CEHRC) has trained 200 community members in nine cities and regions across the country as hazard investigators. CEHRC has also provided funding, ongoing technical and strategy assistance, support for project evaluation and mechanisms (meetings, phone conferences, a listserv) to allow peer-to-peer support among these groups. These projects, in turn, have checked more than 2,500 homes for hazards and used the results to advocate for community-wide solutions for lead poisoning and other healthy housing problems.

• The emergence of asthma as a major public health issue has led many local jurisdictions (e.g., Boston, Cambridge, Cleveland, Detroit, New York, Philadelphia, San Diego, San Francisco) to develop “Healthy Homes” initiatives. These programs provide education and resources to support the empowerment of families and individuals to improve the quality and safety of their home environments. The Seattle–King County Healthy Homes Project employs community health workers who use a home environmental checklist to assess exposures, awareness and actions related to indoor asthma triggers and indoor chemical hazards. The checklist guides the development of a specific, computer-generated home environmental action plan for each household. The community health worker makes 5 visits over 1 year in which she works with clients to carry out the action plan by offering education and social support, encouraging changes in habits (e.g., household cleaning, tobacco use), providing materials to reduce exposures (e.g., bedding covers, vacuum cleaners, doormats, cleaning kits, integrated pest management supplies), helping repair minor deficiencies (e.g., small holes that allow pests to enter, minor leaks), assisting tenants in working with their landlords or relocating if needed, and providing counseling and referral for other household concerns. The project's scope has been expanded to include injury hazards, and Healthy Homes projects in jurisdictions with higher prevalence of lead exposure have also integrated lead assessment and abatement. For more information, see an overview of the project here.
ISSUE: IMPLEMENTING AN EFFECTIVE HOUSING CONTINUUM

Despite limited resources, communities are tasked to ensure the availability of various types of housing assistance and community-based support services that enable individuals and families to remain housed and live independently as well as provide a spectrum of housing options to care for those who cannot live independently. Given priorities set by HUD and those set at the community level, communities struggle to meet the needs given the high demand and scarcity of resources. As such, it is critical to develop a broad housing continuum that includes partners outside of the traditional HUD-funded Continuum of Care to supplement existing resources and to address gaps in the system (such as vulnerable populations that aren’t eligible for HUD-funded housing). Moreover, an effective continuum will have a coordinated entry system as well as a robust system for homelessness prevention and diversion that connects people with other community resources.

STRATEGIES:

• Implement a coordinated entry system. Coordinated entry systems improve access to available housing and services and ensure the type and level of assistance provided to households is tailored to meet their specific needs. By screening applicants for eligibility for services using a uniform tool, the needs and strengths of each household can be assessed to determine which interventions are appropriate and have the likelihood of producing success while also prioritizing people for assistance based on the severity of their needs. Communities across the country have begun developing coordinated entry systems—often starting with targeted programs for Veterans and utilizing this infrastructure for non-Veteran homeless individuals and families.

• Homelessness prevention assistance is a key component to preserve current housing situations. This cost-effective approach stabilizes individuals and families by providing short-term rental assistance and connecting people with other community-based resources. Shelter diversion assists households in sustaining their current housing situation or finding alternate housing outside of the shelter system—often through connections to other community resources or safety net programs available on the state of federal levels. A coordinated entry system with robust prevention and diversion mechanisms often succeed in assisting households with modest interventions, while many households are ultimately able to resolve their current housing crisis with very little support at all. These strategies are critical components of an effective continuum as they reduce the number of people who ultimately enter the homeless assistance system, lessening the demand for shelter and other programmatic housing beds (which should be prioritized for the most vulnerable populations).

• Advocate to ensure your community’s adoption and implementation of a Housing First approach—rapid access to housing with minimal preconditions—to serve people experiencing homelessness. Housing First is an approach for ending homelessness that is centered on the belief that everyone can achieve stability in permanent housing directly from homelessness and that stable housing is the foundation for pursuing other health and social services goals. Implementing Housing First involves screening practices that promote the acceptance of applicants regardless of their sobriety or
use of substances, completion of treatment, and participation in services; it also entails a homeless crisis response system that is oriented to help people obtain permanent housing as quickly as possible.

- Emergency shelter should only be used as an interim, temporary response to homelessness. Communities should provide a range of temporary and permanent housing options to address the needs of persons experiencing homelessness and help them rapidly exit homelessness.

- Ensure that your Continuum of Care includes Permanent Supportive Housing—a combination of housing and services designed for people with serious mental illnesses or other disabilities who need support to live with stability in their communities. These services can include case management, substance abuse or mental health counseling, advocacy and assistance in locating and maintaining employment.

- Dedicate funds to Rapid Re-Housing efforts to prevent individuals and families from becoming homeless and help those who are experiencing homelessness to be quickly re-housed and stabilized. Rapid Re-Housing targets individuals and families who would be homeless but for this short-term or medium-term rental assistance, housing relocation and stabilization services, including activities such as mediation, credit counseling, security or utility deposits, utility payments, moving cost assistance, and case management. While Housing First uses many of the same philosophies and approaches as Rapid Re-Housing, the main distinction is that Housing First is geared towards chronically homeless persons with high needs (requiring ongoing case management and support services), whereas Rapid Re-Housing is geared towards episodically homeless persons with more moderate needs (ideally with an income or the potential to generate an income capable of sustaining housing).

- Monitor the federal budget and advocate for the highest possible appropriations for HUD, USDA and VA housing programs. Monitor the state and local budgets and advocate for funding to increase capacity to meet the housing needs of the prioritized vulnerable populations.

- Cultivate new partnerships with community providers who aren’t already connected with the Continuum of Care to increase services for low-income households in an effort to prevent future housing crises. Similarly, engage new partners to address the needs of vulnerable populations who aren’t eligible for services through the Continuum of Care—such as undocumented immigrants—and support their efforts to better serve vulnerable populations who cannot be served due to limited capacity and prioritized populations. As an example, the faith-based community can develop privately funded housing programs and support services that won’t preclude access to undocumented households and/or vulnerable populations that fall outside of the HUD-prioritized “chronically homeless” population.

**ISSUE: FAIR HOUSING and UTILIZATION OF VOUCHERS**

Even where needy applicants are able to obtain housing assistance (e.g., Section 8 voucher or similar voucher), they often face discrimination in the private housing market on the basis of race, disability, gender, sexual orientation, source of income, criminal background, or other protected status.
STRATEGIES:

- In response to discrimination by some landlords who are unwilling to rent to voucher holders, several states and municipalities have adopted laws prohibiting housing discrimination based on source of income. These legal protections are critical in maximizing a voucher holder’s ability to obtain safe and adequate housing because they prohibit someone from turning away a renter solely because they receive public assistance. See here for the National Housing Law Project’s resource list of articles, cases, statutes and regulations related to this topic.

- Promote awareness that owners of Low Income Housing Tax Credit projects and certain types of federally assisted housing are prohibited from discriminating against voucher holders. These protections are invaluable in maximizing a voucher holder’s ability to secure housing. To learn about how to enforce source of income laws on behalf of voucher holders and references to the federal laws preventing discrimination against voucher holders, see the National Housing Law Project.

- Develop an effective educational marketing plan for landlord engagement and recruitment. Without the participation of good landlords, individuals and families will not succeed in leasing up and staying leased. For more information on effective landlord outreach and examples of how to remove existing barriers when working with landlords, see The Landlord Engagement and Recruitment Desk Book (HUD, September 2015).

- Consider developing a landlord mitigation fund (also called a landlord guarantee or risk reduction fund) to provide an added protection for landlords who are willing to reduce screening criteria to rent to someone with limited income, a poor rental history, or a criminal history. The fund can be used to reimburse landlords for damages up to a specified amount in the event of excessive damages to the unit, lost rent, or legal fees beyond the security deposit.

RESOURCES:

- The Supreme Court has ruled in favor of the use of “disparate impact” claims in fair housing litigation, pointing to a provision of the Fair Housing Act that makes it illegal to “otherwise make unavailable” a dwelling because of race, color, religion, sex, familial status, or national origin. The opinion stated that the phrase “otherwise make unavailable” refers to the consequence of the action, rather than the intent and thus supports disparate impact claims. See here for more information. See here for the opinion.

- HUD has issued a new rule requiring local government and agencies to “affirmatively further fair housing.” The rule responds to recommendations of the Government Accountability Office and stakeholders for HUD to improve its fair housing planning obligations by providing jurisdictions with funding and support. The rule clarifies existing fair housing obligations and requires HUD to provide technical assistance and data for grantees to use to evaluate the status of fair housing within their communities and set priorities and goals for improvement. See here for more information.
In April 2016, HUD issued guidance on the application of Fair Housing Act Standards to the use of criminal records. See here for more information.

ISSUE: LACK OF AFFORDABLE HOUSING

Communities require a range of affordable housing options to accommodate all residents—including those who are low-income or experiencing homelessness. Federal housing assistance provides several million units of housing nationwide but continues to fall short of adequately addressing the country’s affordable housing crisis. Indeed, the US has a strong history of promoting affordable, accessible housing, but programs have been underfunded and under-implemented. Despite innovations such as the Rental Assistance Demonstration and Choice Neighborhood Initiative (which attempt to “do more with less” while preserving important rights and protections for low-income residents), there has been a significant disinvestment in public and subsidized housing at the federal level over the last 30 years.

Another key issue is that naturally-occurring affordable housing units are often used to serve higher-income households, and affordable housing units are increasingly lost or at risk of losing government subsidies.

STRATEGIES:

- The National Housing Trust Fund (NHTF) is a dedicated fund intended to provide revenue to build, preserve, and rehabilitate housing for people with the lowest incomes. The NHTF will provide communities with funds to build, preserve, and rehabilitate rental homes that are affordable for extremely and very low income households. The first NHTF dollars will be available in early 2016. To learn how to secure these funds for your community, visit the National Low Income Housing Coalition’s site at http://nlihc.org/issues/nhtf/implementation.

- Expand the supply of low-income and affordable housing. The Montgomery County, MD Moderately Priced Dwelling Unit (MPDU) program is a nationally recognized model utilizing zoning laws to increase the supply of affordable housing. In the 30 years since its inception, the MPDU program has produced more than 11,000 units dispersed throughout the county—far more than any other community of its size. Moreover, the MPDU program serves households at a lower area median percentage income than other communities. Key provisions of the pertinent law governing the MPDU program requires that between 12.5% and 15% of the houses in new subdivisions of 20 or more units be moderately priced dwelling units (MPDUs). The law requires that 40% of the MPDUs be offered to the Housing Opportunities Commission and other non-profit housing agencies for use by low and moderate income families. See here for more information.

- In its recent report “Preserving Multifamily Workforce and Affordable Housing,” NeighborWorks America highlights sixteen leading efforts and innovative approaches to preserve affordable housing, including below-market debt funds, private equity vehicles, and real estate investment trusts.
Preserve publicly-assisted affordable housing by lobbying to federal, state and local law makers on the critical need to support affordable housing development as well as housing assistance subsidies.

Preserve affordable rental units by protecting subsidized housing units with expiring contracts. Strategies can include litigation (if there are restrictions that preclude conversion), incentivizing renewal, or purchase by a third party—typically a nonprofit committed to preserving the affordable units.

Require affordable housing impact statements. In land use approval processes, some U.S. cities are requiring developers to assess the likely impact on housing affordability. Ordinances in Atlanta, Austin, and San Diego already require affordable housing impact statements, and New Orleans and Pittsburgh may follow suit. In New Orleans, where the poverty rate is nearly 28 percent and rents have risen 50 percent since 2000, members of the city council introduced a bill to ensure that any zoning decisions about new developments consider the impacts on affordability for low-income residents. Click here for more information.

Encourage nonprofit housing organizations to leverage tax credit and philanthropic dollars for the development of affordable housing projects.

Incentivize the development of affordable housing through Low Income Housing Tax Credits.

Address barriers to the development of affordable housing by examining existing zoning laws.

**RESOURCES:**

The following is a directory of affordable housing links compiled by the ABA Forum on Affordable Housing and Community Development Law:

**HUD (US Department of Housing and Urban Development):**

- HUD
- HUDCLIPS
- HUDUSER

**UNITED STATES GOVERNMENT RESOURCES**

- Code of Federal Regulations
- Empowerment Zone and Enterprise Community Home Page
- Thomas - Legislative Information on the Internet
- House of Representatives
- Senate
- White House

**STATE AND LOCAL RESOURCES**

- The POGO Report
- Washington Affordable Housing
**LEGAL RESOURCES**
ABA Home Page  
DIRT (ABA Real Property Page)  
Fried, Frank, Harris, Shriver and Jacobsen Fair Lending Guide Page  
Law Lists  
Lexis Counsel Connect  
Westlaw

**FINANCIAL**
CNN Financial Network  
Office of the Comptroller of the Currency  
FANNIE MAE  
(FDIC) Federal Deposit Insurance Corporation  
Federal Financial Institutions Examination Council - Community Reinvestment Act  
FREDDIE MAC  
Department of the Treasury

**NONPROFIT ORGANIZATIONS**
Enterprise Community Partners  
Habitat for Humanity  
Handsnet  
Homes for the Homeless  
National Coalition for the Homeless  
National Low Income Housing Coalition  
PICCED (Pratt Institute Center for Community and Environmental Development)  
PICCED

**ISSUE: NOT IN MY BACKYARD (“NIMBY”)**

People have certain perceptions about their neighborhoods and their neighbors, and they have a vested interest in preserving their home value and neighborhood. Oftentimes the mere suggestion of development—any sort of development—prompts questions and concern from neighbors. Unfortunately, plans to create housing or services for low-income, homeless or other vulnerable populations are often met with resistance from residents, causing delays and sometimes permanently derailing construction of housing and services for people who critically need them. But neighbors’ perceptions can be changed as long as they can be convinced that change is better—or at the very least, the proposed change won’t actually have an adverse impact. While NIMBY situations raise personal emotions, they also raise legal issues (such as land use, zoning and permit issues) and myriad other questions related to the community and potential new neighbors (such as access to appropriate services, transportation, education, and safety). Because community opposition to shelters, affordable housing developments, group homes, and subsidized rentals can be strong, it is incumbent upon lawyers and advocates to understand (and anticipate) NIMBY concerns and work with the community to generate positive outcomes (and to avoid costly, protracted litigation).

**STRATEGIES:**
Anticipate potential opposition and develop a plan to combat NIMBY by having a basic understanding of the issues that commonly arise within the community, the zoning process, and the legal arena. In general, the typical NIMBY concerns voiced by the community fall into four categories: economics (property values will decline, and neighborhood businesses will suffer), density (more traffic, overcrowding at schools and other local venues), safety and neighborhood appearance. Be prepared to discuss these concerns at the outset.

Designate specific individuals to address inquiries from the media, residents and business owners to ensure that information provided to the public is accurate and consistent. Additionally, identify a community liaison who will organize community meetings and develop a relationship with the neighbors. Anticipate community mobilization and proactively reach out to share information and foster positive interaction.

Engage the community early on to discuss the development, solicit feedback, and answer questions. Identify who will be most affected by the development, analyze the informal and formal power structures within the community, and develop a concrete plan to assure the community that the development won’t adversely impact the community and that it will be well-constructed, well-maintained, and well-managed.

Engage the providers who will ultimately manage the program to speak with the community about the program in terms of who will be housed, what kinds of services will be provided, and ways in which the community can support the program’s efforts. Studies show that neighbors who previously opposed projects come to view them with approval after they have been established—particularly when neighbors are invited to support the program. Many projects have succeeded by building a coalition of community leaders and residents who support the development and equipping them to champion the cause. Some providers have relied on their own volunteers or donors in the community to galvanize additional support, while other providers have effectively engaged the local faith community by identifying specific ways they can directly support the project through donations of household goods, tutoring, and other charitable acts.

Conduct small-scale, intimate community meetings that use a neutral facilitator. Each participant should receive an information packet that discusses the project, its benefits, the provider’s background, and project contacts. Invite neighbors of similar projects to discuss the benefits of the program in their community. Consider inviting a potential project resident to attend the meeting and combat preconceived notions about the residents.

Convey that robust support services will be provided in addition to housing. Take every opportunity to inform decision-makers about the success stories of individuals and families living in (or transitioning from) similar programs. Arrange tours of similar programs that include meet and greets with residents.

Since few Continuums of Care, housing providers, and service agencies have the staff resources to dedicate a person to combat NIMBYism full time, the HUD Decision Tree resource was designed to help organizations isolate NIMBY issues and quickly develop strategies to address them. The NIMBY
Decision Tree provides an intake and risk assessment questionnaire to determine what types of issues your organization might face in developing housing for homeless individuals as well as what type of risks your organization would be willing to take to address these issues.

**ISSUE: REMOVING LEGAL AND JUSTICE SYSTEM BARRIERS TO HOUSING**

Bad credit and criminal records create very real barriers to housing. Citations for minor infractions such as jaywalking or neglecting to wear a seatbelt can lead to warrants being issued or additional fines being assessed. Unpaid tickets and child support arrearages are flagged on credit reports and can lead to charges being filed. Many landlords simply won't rent to households with bad credit reports or criminal records. Advocates and providers can implement programs aimed at removing barriers to housing such as credit repair, criminal record expungement and specialty courts.

**STRATEGIES:**

  [http://www.abajournal.com/magazine/article/wipe_out_new_app_helps_people_expunge_their_records/](http://www.abajournal.com/magazine/article/wipe_out_new_app_helps_people_expunge_their_records/)  
- Raise awareness about credit scores and reports and provide guidance on how to read reports and correct errors. For more information, visit [http://www.federalreserve.gov/creditreports/](http://www.federalreserve.gov/creditreports/) and [https://www.consumer.ftc.gov/articles/0151-disputing-errors-credit-reports](https://www.consumer.ftc.gov/articles/0151-disputing-errors-credit-reports)
- Utilize housing locators who are equipped to assist households with credit repair and who have established relationships with local landlords.
- Collaborate to establish specialty court programs, problem solving courts, or pre-booking diversion programs aimed at addressing the root cause of a person’s infraction—addiction, mental health issues, PTSD or trauma related to military service, or homelessness. Homeless Courts combine a progressive plea bargain system, an alternative sentencing structure, assurance of “no custody” and proof of program participation prior to the court appearance—which is held onsite at a homeless service provider with the goal being to dismiss or reduce charges. See ABA Principles for Homeless Court Programs. Similarly, Drug Courts and Behavioral/Mental Health Courts connect participants to appropriate treatment and services. Veterans Treatment Courts seek to address the underlying trauma related to military service through robust partnerships with the VA and community-based service providers. Click here for the related ABA policy, and visit Justice for Vets for additional resources.

**ISSUE: PREVENTING EVICTION**

Rents are increasing, wages are stagnating, and families are forced to choose between paying their rent and paying for childcare, groceries, medicine, transportation and utilities. Twenty-six percent of renter households are paying more than half of their income to keep a roof over their heads. While there are many costs involved with eviction—including the ancillary “costs” children pay due to
instability and multiple school placements—the greatest and most direct costs are to the community’s emergency shelter and housing system. Best practices and a growing body of research indicate that it is much more cost effective to prevent individuals and families from entering the homeless system by keeping them stably housed through initiatives aimed at preventing eviction such as rental assistance. Given that most landlords tend to have legal representation in court proceedings, a number of jurisdictions have developed special court programs or embedded legal aid programs in the courthouse in an effort to level the playing field. New York City proposed legislation in 2016 for a right to counsel for low-income tenants in eviction cases based on the significant financial savings the city will enjoy by preventing eviction.

STRATEGIES:

- A report by Stout Risius Ross, an independent financial advisory service commissioned by the New York City Bar Association, concludes that New York City would save $320 million by passing Intro 214-A, a bill that would provide a right to counsel for low-income tenants in eviction cases. The report finds that the entire cost of providing lawyers to tenants up to 200% of the poverty level is more than offset by reductions in shelter expenditures, preservation of affordable housing units, and avoidance of homelessness taxpayer expenses like law enforcement and emergency medical care. Bloomberg covered the release of the report and notes that “In New York City, renters who face eviction usually do so without a lawyer, compared with just 2 percent of landlords who represent themselves.”

- Consider using a mediator to negotiate landlord/tenant issues. In Philadelphia’s Landlord-Tenant Court before the actual hearing begins, the tenant may choose to enter into mediation or attempt to negotiate a settlement with the landlord. The Philadelphia Landlord-Tenant Court currently will provide a mediator if both parties agree to mediation. However, a mediator is not required for the parties to negotiate. A landlord and tenant may choose to negotiate without the help of a court provided mediator.

- Contact your local Legal Aid programs or other non-LSC funded nonprofit legal services programs about embedding attorneys at the courthouse to conduct outreach and provide assistance to tenants.

ISSUE: PREVENTING FORECLOSURE AMONG HOMEOWNERS AND RENTERS

Homeowners don’t want to lose their homes. Banks don’t want to be landlords. Neighborhoods filled with vacant homes deteriorate rapidly causing damaging effects to the entire community. No one wins when it comes to foreclosure. So what can be done? Plenty. Whether you represent the debtor or the lender, options are available to prevent foreclosure.

While most people think of foreclosure as affecting single family home owners, renters are often impacted by foreclosure. Renters are innocent bystanders who are typically caught off guard by the foreclosure given that they have paid their rent on time and simply aren’t aware of the situation until late in the game—making them vulnerable to homelessness through no fault of their own.
**STRATEGIES:**

- There are a number of federal programs to assist homeowners who are at risk of foreclosure and otherwise struggling with their monthly mortgage payments. The majority of these programs are administered through the U.S. Treasury Department and HUD. Summaries of the key programs and pertinent contact information are available [here](#).

- For a list of HUD-approved counseling agencies to assist those who are facing foreclosure, mortgage defaults, and credit issues, click [here](#).

- Advocate for the restoration of federal policy to protect the rights of renters affected by foreclosure. The Protecting Tenants at Foreclosure Act, which expired at the end of 2014, enabled renters whose homes were in foreclosure to remain in their homes for at least 90 days or for the term of their lease, whichever was greater. Many national advocacy groups have identified making the PTFA permanent a policy priority—including the [National Low Income Housing Coalition](#).

- Advocate for greater protection for tenants on the state and local levels. The [National Housing Law Project](#) has compiled information on renter protection laws at foreclosure from 47 states plus the District of Columbia. Nine states and the District of Columbia have renter protection at foreclosure laws equal or surpassing those provided by the PTFA. Two states provide 60 days’ notice of eviction. Three states provide 30 days’ notice of eviction. Three states provide 10 days’ notice of eviction. Two states provide five days’ notice of eviction. One state provides three days’ notice of eviction. Eight states allow immediate eviction of renters at foreclosure. Nineteen states have no specific protection for renters at foreclosure.

- Combat mortgage rescue scams through advocacy and education. The Federal Trade Commission (FTC), the nation’s consumer protection agency, has a Rule in place to protect homeowners from scams. The Mortgage Assistance Relief Services (MARS) Rule makes it illegal for companies to collect any fees until a homeowner has actually received an offer of relief from his or her lender and accepted it. Learn how to recognize a mortgage assistance relief scam and educate your clients and community about their rights. Refer clients to legitimate housing counselors or legal assistance. For more information about mortgage rescue scams, see [Loan Modification Scam Alert](#) and the related ABA policy, [Resolution 10B](#).

**ISSUE: PREVENTING AND ENDING VETERAN HOMELESSNESS**

The United States Interagency Council on Homelessness, the Department of Housing and Urban Development, and the Department of Veterans Affairs have adopted a vision of what it means to end all homelessness and specific criteria and benchmarks for ending Veteran homelessness in order to help guide communities as they take action to achieve the goal. These criteria and benchmarks are intended to define the vision of ending Veteran homelessness within communities and to help align local efforts in support of that vision, with a focus on long-term, lasting solutions. See [United State Interagency Council on Homelessness](#) for more information.
**STRATEGIES:**

- Develop a data strategy to identify the numbers and characteristics of Veterans experiencing homelessness. Identify all Veterans experiencing homelessness in the community. Employ coordinated outreach through multiple points of access to identify, enumerate, and engage all Veterans experiencing homelessness, including Veterans who are unsheltered, as well as Veterans in shelters, Grant and Per Diem programs and other VA residential programs, other transitional housing programs, etc. This identification of Veterans includes both Veterans that meet the definition of chronic homelessness and Veterans that are experiencing homelessness but do not meet the definition of chronic homelessness. The definition of Veteran used includes all persons who served in the armed forces, regardless of how long they served or the type of discharge they received.

- Develop a capacity strategy to assess current capacity and design a plan to increase capacity to meet the needs identified by the data. The capacity strategy will delineate activities that can begin immediately as well as activities that will require new resources.

- Develop a prevention strategy to identify homeless Veterans as well as those at risk of homelessness and create early intervention mechanisms that are culturally competent. Collaborate with Veterans Service Organizations, housing providers, the justice system, drop-in centers and street outreach programs, the behavioral health system and hospitals, and other community programs to identify homeless and at-risk Veterans and provide services aimed at preventing homelessness.

- Develop a coordinated entry and assessment tool to connect homeless Veterans with appropriate assistance—which can vary from shallow, temporary subsidies to permanent supportive housing.

- Lower barriers to entry, reduce lengths of stay, and improve exits to permanent housing. While ending Veteran homelessness is primarily about the community’s capacity to connect Veterans to permanent housing, the community also has the capacity to immediately offer some form of shelter (i.e., emergency shelter, bridge or transitional housing, other temporary settings) to any Veteran experiencing unsheltered homelessness in the community who wants it, while assisting the Veteran to swiftly achieve permanent housing. Access to shelter should not be contingent on sobriety, minimum income requirements, criminal records, or other unnecessary conditions.

- Collaborate to establish specialty court programs or pre-booking diversion programs aimed at addressing the root cause of homelessness based on ABA Principles for Homeless Courts. See ABA Principles for Homeless Court Programs.

- Collaborate to establish a Behavioral and Mental Health Court based on ABA Principles for Veterans Treatment Courts and related policies. Click here for the related ABA policy.

- Collaborate to establish a Veterans Treatment Court based on ABA Principles for Veterans Treatment Courts. Click here for the related ABA policy.

- Advocate for treatment options for minor substance abuse offenses in lieu of incarceration.
RESOURCES:

**Homeless Courts Initiative:** The ABA Commission on Homelessness & Poverty has had a hand in creating or enhancing over 70 Homeless Courts across the nation. Since 2001 when the ABA Commission first began its initiative to foster the replication of homeless courts, it has provided technical assistance to more than 100 communities across the nation and abroad (including Australia, Canada, Japan and Mexico). The Commission provides technical assistance and educational resources to communities via conference call and in-person trainings, participation in regional and national conferences.

**Veterans Justice Initiative:** Nearly 60,000 veterans experience homelessness on any given night, and roughly 1.4 million other veterans are considered at risk of homelessness. In support of the U.S. Department of Veterans Affairs’ Five Year Plan to End Homelessness among Veterans, the Commission is fostering the development of Veterans Treatment Courts and pro bono legal services programs aimed at removing barriers to benefits, employment, housing, treatment and services for veterans. Through this initiative, the Commission provides technical assistance to judges, lawyers and providers across the country on how to launch a Veterans Treatment Court and other model programs, including a national pilot program launched in collaboration with the VA and HHS on child support issues for non-custodial homeless veterans.

**Coordinating Committee on Veterans Benefits and Services:** The Commission staffs and facilitates the Coordinating Committee with leadership and active participation by Commission members and liaisons. The Coordinating Committee consists of 200+ members from nearly 20 ABA entities.

**ISSUE: PREVENTING AND ENDING YOUTH HOMELESSNESS**

Youth homelessness is a complex issue often prompted by family conflict, poverty and trauma, and often perpetuated by a lack of interventions to prevent or resolve the issue. To effectively prevent and end youth homelessness, communities must collaborate to develop the necessary resources and infrastructure to deliver services that are comprehensive, coordinated and effective.

**STRATEGIES:**

- The Federal Framework to End Youth Homelessness guides federal action to end youth homelessness by unifying efforts across agencies to ensure measurable progress on four core outcomes for youth: housing stability, permanent connections, education and employment, and well-being. The framework serves as an excellent starting point for communities that aren’t presently serving homeless youth as well as those jurisdictions that have a more robust system by setting forth a roadmap for programs and agencies to engage new partners and align with a larger, unified response to ending youth homelessness.

- Collaborate on implementation of the United States Interagency Council on Homelessness report Preventing and Ending Youth Homelessness, a Coordinated Community Response. Drawing upon effective practices to end homelessness for other populations coupled with strategies that support the unique needs of unaccompanied youth and young adults under 25, the report provides a framework to
advance discussions in your community and build upon existing resources to prevent and end youth homelessness.

- Develop a data strategy to secure the numbers and characteristics of youth experiencing homelessness. If your community doesn’t currently have an organization that serves this population, then connect with new partners—including the homeless education liaison, the child welfare and juvenile justice systems—to begin compiling data. Collaborate to advocate for local and state governments to consider legislation requiring counts and reports on the numbers of homeless youth in their communities and services being provided. Based on 2013 findings by a Maryland Task Force on homeless youth, only three Maryland counties were then counting homeless youth and only two of those counties were providing services to homeless youth. This data spurred new Maryland legislation aimed at providing the state with better information about the numbers of homeless youth in Maryland to allow for the possibility to draw down federal funds to better serve this population.

- Develop a capacity strategy to assess current capacity and design a plan to increase capacity to meet the needs identified by the data. The capacity strategy will delineate activities that can begin immediately as well as activities that will require new resources or legislative authority.

- Develop a prevention strategy to identify homeless youth as well as those at risk of homelessness and create early intervention mechanisms that are culturally competent. Collaborate with the child welfare and juvenile justice systems, schools, drop-in centers and street outreach programs, the behavioral health system, and other community programs to identify at-risk families and unaccompanied youth and provide services to keep the family intact or to work towards reunification (when appropriate)—including diversion and transition planning from the child welfare and juvenile justice systems.

- Develop a coordinated entry and assessment system to connect youth with appropriate assistance—prioritizing resources for the most vulnerable youth.

- Create a spectrum of appropriate housing options and individualized services—including safe shelter and emergency services, host homes, and transitional housing.

- Foster permanent connections to family or other appropriate caregivers.

- Facilitate academic success and remove barriers to education including proof of residency requirements, records requirements, guardianship requirements, and lack of transportation. Visit the National Association for the Education of Homeless Children and Youth (NAECHY) for innovative models and best practices aimed at improving outcomes for homeless youth.

- Collaborate to advocate for state legislatures to consider providing free tuition to homeless youth enrolling in state colleges, universities, and trade schools and allowing scholarship and grant funds awarded to youth to be used for housing while in school—similar to laws providing such opportunities for foster youth. Maryland passed such legislation in 2014; see the language here.
To provide homeless youth and youth transitioning to adulthood from the child welfare and the juvenile justice systems with job training, employment, and career-related resources and assistance through the Youth2Work program established by the ABA Commission on Youth at Risk.

Raise awareness in the private bar about the complex legal needs of homeless youth and the legal barriers to receiving public benefits, education, employment, housing, treatment and services, as well as to raise awareness of the important ways attorneys can assist this vulnerable population, including greater pro bono legal services to homeless youth. For technical assistance on launching a pro bono program or to learn how to get involved with existing efforts, please contact the ABA Commission on Homelessness & Poverty at homeless@americanbar.org or (202) 662-1693.

RESOURCES:

“Educating Children Without Housing: A Primer on Legal Requirements and Implementation Strategies for Educators, Advocates and Policymakers” Fourth Edition (2014), addresses the federal educational mandates related to homeless students under the McKinney-Vento Homeless Assistance Act. The manual provides innovative strategies for educators and school administrators, state coordinators and policymakers, and advocates and attorneys to play a role in ensuring the education rights of children and youth experiencing homelessness. The revised edition includes 25 pages of new content including new sections on redetermining homeless status, best practices for serving students displaced by natural disasters, early childhood education, relevant federal guidance, and case summaries. Additional content was also added to the foster care section, making the book an excellent resource for child welfare caseworkers and advocates. Click here for more information on the book.

“Runaway and Homeless Youth and the Law: Model State Statutes,” encompasses model laws in 11 areas, drafted by experts from a variety of backgrounds- lawyers, service providers, federal and state policymakers, advocates, formerly homeless youth, and others. Click here to view the e-book for free.

Report and Recommendations from Maryland State-wide Task Force to study the need for housing and services for homeless youth (November 2013). Click here to view the report.

Through its Homeless Youth and the Law Initiative, the ABA Commission on Homelessness & Poverty offers training on Model State Statutes and legislative strategy to support homeless youth, technical assistance to local organizations, assistance with start-up dialogues—including co-hosting and facilitating community planning meetings. For more information, contact the Commission at (202) 662-1693 or homeless@americanbar.org.

The ABA Youth Engagement Project improves outcomes for youth in foster care and young people who have aged out of care. It promotes youth involvement in court cases, permanency and transition planning for older youth, and extending foster care after age 18. Resources include national data, best practices, legislative updates and technical assistance.
ISSUE: CONCENTRATED POVERTY AND THE EFFECTS OF EXCLUSIONARY ZONING

Suburban and exurban development and the sometimes attendant exclusionary zoning and housing market discrimination have resulted in the creation of high-poverty neighborhoods not only in cities, but also in decaying close-in suburbs. While the upper-middle class and affluent could move to the suburbs, the poor were left behind. Historically, public and assisted housing units—as well as affordable housing developments—were often constructed in areas of concentrated poverty. As gentrification has driven up property values, rents, and taxes in many cities, some of the poor are leaving the city and moving to decaying suburbs—where the oftentimes neglected housing stock is more affordable. Ferguson, Missouri is an example of such poverty migration from the inner-city to the suburbs. The poverty rate in Ferguson increased from 7 percent to 22 percent between 1990 and 2010, with three out of ten neighborhoods in Ferguson now having poverty rates of more than 40 percent. At the same time, there are hundreds of suburbs in the St. Louis metropolitan area that have zero high-poverty neighborhoods due to exclusionary zoning aimed at preventing the development of affordable housing—leaving low-income people with few options for affordable housing outside of the inner city and decaying inner-ring suburbs.

STRATEGIES:

• Utilize zoning laws and tax credits to ensure that new housing developments reflect the income distribution of the metropolitan area as a whole—including low-income residents.

• Promote higher density in-fill development for a broad spectrum of incomes in tandem with more efficient public transportation and corporate development—yielding truly mixed-income communities with desirable features including central location, access to employment, and good schools.

• Examine community revitalization efforts that adopted the “Purpose Built Communities” approach that combines quality mixed-income housing, a cradle-to-college education pipeline and community wellness programs driven by a committed local lead organization called the “community quarterback.” The following communities have successfully implemented the model: Atlanta / East Lake, Birmingham / Woodlawn United, Charlotte / Renaissance West, Columbus / PACT, Fort Worth/Renaissance Heights, Houston / Connect Community, Indianapolis / Avondale Meadows, New Orleans / Bayou District, Oakland / Castlemont, Omaha / Seventy Five North, Orlando/LIFT Orlando, Rome / South Rome Redevelopment, and Spartanburg / Northside Initiative.

ISSUE: EMERGENCY HOUSING IN THE CASE OF NATURAL DISASTERS

While no one knows exactly how many people were displaced by hurricanes Katrina and Rita, most estimates are in the 1-1.5 million range. The slow response to the disaster coupled with the high number of people who were still in need of housing two and half years after the national disaster
resulted in a number of “lessons learned” that should inform communities as they develop and implement proper planning for effective responses in the future. While rebuilding and repairing homes (and businesses) that were destroyed or damaged due to a natural disaster is a key component of any recovery effort, communities must also implement both short-term and long-term housing strategies for individuals and families who have no home to return to—perhaps because the home was completely destroyed, or perhaps because they were renters or staying with friends or family without a formal rental agreement.

**STRATEGIES:**

- Develop plans to provide immediate emergency shelter and temporary housing in the event of a natural disaster.
- Ensure coordination between government agencies (federal, state and local) and nonprofits to deliver services.
- According to [FEMA’s National Disaster Housing Strategy](https://www.fema.gov/national-disaster-housing-strategy), there are six key components to meeting the basic needs of those affected by a national disaster:
  1. Support individuals, households, and communities in returning to self-sufficiency as quickly as possible.
  2. Affirm and fulfill fundamental disaster housing responsibilities and roles.
  3. Increase our collective understanding and ability to meet the needs of disaster victims and affected communities.
  4. Build capabilities to provide a broad range of flexible housing options, including sheltering, interim housing, and permanent housing.
  5. Better integrate disaster housing assistance with related community support services and long-term recovery efforts.
  6. Improve disaster housing planning to better recover from disasters, including catastrophic events.
- Through the Disaster Legal Services Program, the American Bar Association Young Lawyers Division and the Federal Emergency Management Agency (FEMA) provide immediate temporary legal assistance to disaster survivors at no charge. Please visit our current list of disaster legal hotlines that are available [here](https://www.americanbar.org/disasterresources/TemporaryLegalAssistance/).
- The [Disaster Distress Helpline](https://www.samhsa.gov/find-help/disaster-distress-helpline) (DDH) is the first national hotline dedicated to providing year-round disaster crisis counseling. This toll-free, multilingual, crisis support service is available 24/7 via telephone (1-800-985-5990) and SMS (text 'TalkWithUs' to 66746) to residents in the U.S. and its territories who are experiencing emotional distress related to natural or man-made disasters.
ISSUE: DISPLACEMENT

As communities evolve and change, both residents and developers struggle to balance revitalization efforts with the needs of current residents. Low-income communities are vulnerable and at risk of displacement as dilapidated buildings are sold or renovated. Even the most well-intentioned revitalization efforts can lead to unintended consequences such as increased rents, eviction, lost units, or increased property taxes for homeowners.

STRATEGIES:

- Prevent displacement by providing landlords with incentives to keep their tenants in place.
- Encourage developers to include affordable housing in market-rate developments.
- Mobilize community-based and community-led campaigns to promote equitable development and combat gentrification. New York’s Fifth Avenue Committee’s Displacement Free Zone is a model for community education and mobilization. Other effective community-led efforts include San Francisco’s Mission Anti-Displacement Coalition, Los Angeles’ Figueroa Corridor Coalition for Economic Justice, and Portland’s Interstate Alliance to End Displacement.
- Consider pursuing legislative advocacy efforts to secure housing trust funds, inclusionary zoning, and real estate transfer taxes that dedicate resources to new affordable housing development.
- Consider balancing new commercial districts with the interests of current residents by explicitly requiring new commercial developments to meet the needs of current residents with regards to housing, employment, services and contracts.
- PolicyLink’s web-based Equitable Development Toolkit: Beyond Gentrification provides a roadmap to effective policies and best practices emerging from revitalization efforts and community campaigns across the country.

ISSUE: HEIR PROPERTY

Hurricane Katrina exposed the fact that a large amount of land is “heir property,” land conveyed without a will from one generation to the next. Alabama residents whose homes were destroyed could not qualify for FEMA or other federal home rebuilding grants because they could not prove clear title to their land. Most of these property owners are low-income, often minority households, a large number of which have disabled family members and often are headed by an elderly, single mother.
Heir property is problematic because it can become impossible for the person who is living on property to enjoy the benefits of land ownership as every single family member with legal rights to the ownership of a piece of property has to sign off before anything can be done with that property. This includes selling it, taking out loans for fixing it, negotiating with a mortgage holder or city about to foreclose, obtaining some kinds of insurance, or getting assistance after disasters like Hurricane Katrina.

STRATEGIES:

- Consider launching a program similar to Alabama Appleseed, a project to determine the number of low-wealth families living on “heir property” (land without clear title), conduct state-wide public education sessions about how to protect from the loss of such land, and fashion appropriate law reforms. For more information about how to address heir property issues in your community, please visit [http://www.alabamaappleseed.org/heir-property.html](http://www.alabamaappleseed.org/heir-property.html).

ABA Policy Positions

- **Implementation of the Human Right to Adequate Housing** ([Resolution 117, August 2013](http://www.alabamaappleseed.org/heir-property.html)) Urges governments to promote the human right to adequate housing for all through increased funding, development and implementation of affordable housing strategies and to prevent infringement of that right.

- **Affordable Housing Trust Fund** ([Resolution 111, February 2005](http://www.alabamaappleseed.org/heir-property.html)) urges Congress and the President to support the establishment of a federal affordable housing trust fund to increase the availability of affordable housing consistent with the following principles: (1.) the fund should be adequately capitalized to carry out its mission of increasing available affordable housing; (2.) the majority of housing made available under this program should be targeted towards households at or below 30% of the median income; and, (3.) the trust fund should not serve as a substitute for or diminish other major federal housing programs.

- **Comprehensive measures to address homelessness** ([Resolution 111, August 1995](http://www.alabamaappleseed.org/heir-property.html)) – This policy supports the adoption of creative and comprehensive measures to address homelessness by eliminating illegal residential segregation, increasing the availability of affordable transitional and permanent housing and improving the accessibility of such housing to employment, schools, transportation, and human services, with such efforts to include: (1) stronger enforcement of existing laws designed to eradicate discrimination in housing; (2) affirmative plans to increase and preserve the supply of adequate affordable housing; (3) regional initiatives to provide affordable housing that is accessible to employment, schools, transportation and human services; (4) programs to integrate communities by race and income; (5) provision of incentives and rewards to encourage the planning and development of affordable housing in integrated communities; and (6) enactment of specific affordable housing laws.

- **Emergency relief and increase supply of habitable low-cost housing.** ([Resolution 115, August 1986](http://www.alabamaappleseed.org/heir-property.html)) This policy supports legislation to (1) prohibit discrimination on the basis of transient or homeless status;
(2) address the need for emergency relief to individuals and families without permanent shelter; (3) encourage public and private initiatives to increase the supply of habitable low-cost housing in the United States; and (4) adopt public policies and programs that will contribute to the ability of homeless people to become productive citizens.

- **Foster Care to Homelessness** (*Resolution 109A, February 2014*) – This policy urges governments to enact and implement legislation and policies which prohibit youth from transitioning from foster care to a status of homelessness, or where a former foster youth will lack a permanent connection to a supportive adult.

- **Runaway and Homeless Youth Act** (*Resolution 105B, February 2010*) – This policy encourages local communities to establish plans to end youth homelessness, which include specific recommendations for the role of federal and state governments in abating youth homelessness, including implementation of model laws developed to address issues related to youth homelessness.

- **Expanding the Federal Definition of Homelessness** (*Resolution 108B, August 2006*) – This policy urges federal agencies to include in the definition of homeless person individuals who lack a fixed, regular, and adequate nighttime residence, including those who, due to loss of housing, economic hardship, or similar reasons, are sharing the housing of others or living in motels, hotels or camping grounds.

### 2. Disproportionate involvement in criminal and civil justice systems

*Disproportionate involvement in criminal and civil justice systems*

A recent report entitled The Poor Get Prison by Karen Dolan noted that “Poor people, especially people of color, face a greater risk of being fined, arrested, and even incarcerated for minor offenses than other Americans. A broken taillight, an unpaid parking ticket, a minor drug offense, sitting on a sidewalk, or sleeping in a park can result in jail time.” In other word, poverty is often treated as a criminal offense.

A tragic real life example of this reality is the recent death of Walter Scott in North Charleston, South Carolina. By all accounts Walter Scott was a devoted father of four. Still, he could not pay his mandated child support. One of his brothers told the local newspaper that Scott probably ran away from a routine traffic stop because he owed child support. Scott spent months incarcerated years ago for missed child support payments and had told his family he was not going back to jail. In South
Carolina up to 16% of the total jail population are serving time for missing child support payments, 67% of inmates serving time for missed child support payments are African-American, and over 75% of those held in contempt in Family Court for failure to pay testified that they were previously unemployed or having difficulty finding work. As Walter Scott ran he was shot and killed by the police officer who made the traffic stop.

**ISSUE: FINING OR JAILING THOSE WHO CANNOT PAY FEES OR FINES**

People making less than $10,000 a year or with no reported income account for 70% of the total child support debt owed. These parents are unlikely to ever pay off their obligation. The overhanging debt spawns obstacles for those trying to find work including loss of their driver’s license and incarceration for nonpayment resulting in loss of a job and accumulation of more debt.

**STRATEGIES:**

- Encourage representatives at the local, county, and state levels to reduce or eliminate fees, fines, and lengthy incarcerations assessed against criminal defendants who are poor or homeless.

- Work with state and local governments to stop the inequitable practice of imprisoning the poor for offenses that those with money who commit the same offense are allowed to post bail and go free.

- Update child support enforcement strategies acknowledging that the majority of unpaid child support is owed by the very poor, not “deadbeat dads.”

- Urge the enforcement of Bearden v. Georgia (“Debtors can be incarcerated only if the act of not paying their debt (including child support) or restitution was willful.”)

- Support debt forgiveness as an incentive to pay child support (child support debt will be significantly reduced if an individual starts making on-time payments).

- Oppose the arresting of the poor for criminal justice debt before a debt hearing can take place to determine one’s ability to pay.
• Work with legislature and judges to reduce criminal court fees.

• Hold probation companies to high standards regarding supervision fee schedule, interest, revenue received, etc.

• Encourage government to end the practice of child support arrearage accumulating while a parent is incarcerated for not being able to pay child support.

**ISSUE: FINING PEOPLE WHO ARE HOMELESS FOR BEING HOMELESS**

Criminalizing homelessness is costly, ineffective, and infringes on human rights. The revolving door of arrest, court hearings, incarceration and release with a return to the streets frustrates not only people who are homeless, but police, judges, and the business community as well. Penalizing people experiencing homelessness tends only to exacerbate mental and physical health problems, create or increase criminal records (thus creating barriers to benefits, employment, housing, treatment and services), and may result in the loss of key personal documents that can make it even harder for people to access the services they need to exit homelessness.

**STRATEGIES:**

• Develop legal strategies to combat criminalization using Constitutional claims and human rights theories.

• Advocate against passage of or for the repeal of local ordinances that result in criminalization of “quality of life” activities (begging, lying, sleeping, and feeding).

• Work with local and state legislatures to pass a homeless bill of rights (such as the *Rhode Island Homeless Bill of Rights*).

• Create *Homeless Courts* that replace traditional court sanctions and such as fees, fines, and incarceration with voluntary participation in treatment and services aimed at addressing the root cause of homelessness.

The ABA strongly supports the repeal of laws and policies that punish people who are homeless for living a non-criminal life or sustaining practices or acts in public places, such as eating, sitting, sleeping, or camping when no alternative private spaces are available. The decriminalization of homelessness can be successful if local bar associations work in cooperation with courts, lawmakers, law enforcement, advocates and service providers to revise laws and recognize the problems faced by individuals who are homeless. (See the ABA policy on Decriminalization of Homelessness-February 2007).
ISSUE: TAKING POOR PEOPLE’S PROPERTY THROUGH ASSET FORFEITURE SEIZURES

A report from the ACLU indicates that asset forfeiture is often done through racial profiling, disproportionately affects low-income individuals, and is a threat to both civil liberties and property rights.

STRATEGIES:

• Urge local courts and legislatures to end civil asset forfeiture by law enforcement agencies in all states.

• Lobby for passage of the Fifth Amendment Integrity Restoration Act (FAIR Act) that would amend the federal criminal code to require the government to show a substantial connection between seized property and the offense in a forfeiture proceeding and to prove its case with “clear and convincing evidence” before seizing property.

ISSUE: SCHOOL-TO-PRISON PIPELINE

The damaging effects of the school-to-prison pipeline include: 2 million children sent to juvenile detention every year, 70% of the students are Black or Latino, 75% are jailed for non-violent offenses, and 66% of those detained never return to school. Reform of K-12 education policies is critical to reverse the school-to-prison pipeline. Reconsider the use of local police officers as school security to handle incidents like disrupting class that were formerly handled by school administrators.

STRATEGIES:

• Adjust the “zero tolerance” policies in schools, which combined with local police security has a greater negative impact on poor students.

• Develop guidelines to ensure school discipline policies are in line with federal civil rights laws.

• Utilize local pro bono programs to represent youth being pushed out of school.

• Partner with local mental health centers to provide counseling for students and their families.

Governments are urged to increase funding and amend their current laws and policies for programs under the Runaway and Homeless Youth Act in order to effectively intervene and end homelessness for those ages 12-24. Assisting local communities in establishing plans to end youth homelessness should include an increase in coordination among HUD, HHS, and the Justice system. The ABA suggests a spectrum of community based services including: outreach as a gateway to shelter, housing, prevention and early intervention to divert youth from deepening family conflict, crisis intervention, and youth housing models. (See the ABA policy on Runaway and Homeless Youth Act-February 2010).
ISSUE: HYPER CRIMINALIZATION OF PETTY INFRACTIONS

Criminal records—even a minor criminal record or an arrest without conviction—can serve as an absolute obstacle to housing, despite the fact that an array of studies finds that criminal history is not predictive of successful tenancy. A criminal record also serves as a barrier to employment. Having an arrest during one’s lifetime decreases employment opportunities more than any other employment-related stigma, such as long-term unemployment, receipt of public assistance, or having a GED instead of a high school diploma.

STRATEGIES:

• Work with businesses to “ban the box” (remove the arrest/conviction question from employment applications to aid in re-entry) and to follow Title VII of the Civil Rights Act that bars employer practices that have a racially disparate impact, unless those practices are job related and justified as a business necessity.

• Encourage housing authorities to reform overly restrictive eligibility policies and grant admission to people with criminal records when appropriate so that no housing applicant will be automatically barred from receiving housing assistance because of his or her criminal background.

• Coordinate with staff in jails and prisons to develop workable transition planning including plans for re-entry housing and re-entry employment.

• Allow job applicants and housing applicants to explain their prior arrests.

• Create a collaboration and cross-training between law enforcement and social service providers resulting in tailored police intervention through a police outreach program.

• Educate law enforcement to be sensitive to the needs of people experiencing homelessness and to collaboratively develop procedures with service providers/outreach staff to follow during contacts with people who are homeless in a way that affirms that homelessness is not a crime.

• Consider making petty crimes (open container, urinating in public) civil instead of criminal offenses.

The Homeless Court was created to counteract the effect of criminal cases pushing homeless defendants further outside society. The ABA has laid out specific principles to follow in the implementation of these courts including the active participation of community-based service providers. Homeless Courts combine a progressive plea bargain system, alternative sentencing structure, assurance of “no custody” and proof of program activities, to address a full range of misdemeanor offenses. The Courts recognize participants’ voluntary efforts to improve their lives and move from the streets toward self-sufficiency. (See the ABA policy on Principles for Homeless Courts-August 2006).
• Work with state legislature to expand offenses eligible for expungements.

• Work with local police departments to implement juvenile justice reform by creating diversion programs that do not criminalize juvenile status offenses such as truancy and curfew violations.

ISSUE: BROADER CROSS-DISCIPLINARY COLLABORATIONS AND PUBLIC AWARENESS

Policies that criminalize the poor are costly and consume substantial community resources. To create new policies that are effective and efficient requires not only alternative strategies, such as problem solving courts that focus on the underlying causes of criminal activity, but also both a response from all providers that addresses both the legal and the non-legal obstacles that impede an individual's ability to break free from the criminal justice system and an increased community awareness of services that are available.

• Implement alternative justice system strategies through problem-solving courts such as homeless court, mental health court, drug court, veterans treatment court, and child support initiatives.

• Develop a partnership between legal service providers and social service providers to reach individuals with legal needs and insure the provision of holistic services.

• Develop media campaigns to create awareness among low income individuals who lack knowledge about their legal rights and the availability of legal services.

• Work with the state judiciary to establish an Access to Justice Commission or become an active member of an Access to Justice Commission.

• Develop valid, persuasive date and analysis in order to document the inequities in the criminal defense system, the impact of holistic defense, and to monitor criminal defense organization and performance.

The ABA is an advocate for the development of a new set of court proceedings for veterans with service-related injuries as well as mental health and substance abuse disorders. These Veterans Treatment Courts focus on treatment-oriented proceedings in lieu of imprisonment for criminal offenses. This alternative system would counteract the effects of the current court system that pushes veterans further outside society. It applies principles of therapeutic, collaborative, and restorative justice in which community-based treatment options are used to achieve the goals of true rehabilitation, recovery, and reintegration into the community. (See the ABA policy on Principles for Veterans Treatment Courts-February 2010).
Champion efforts to improve public safety by aligning the juvenile justice system with the latest research in youth development and by addressing racial and ethnic disparities within the juvenile justice system.

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

**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)

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.

Inadequate healthcare and poor health outcomes

The links between poverty and poor health outcomes are numerous, complex and intertwined. And, while the intent of the Affordable Care Act was to increase access to affordable quality healthcare with a focus on low-income individuals and families, many remain uninsured. This is because the Act itself does not provide for subsidies or tax credits to offset the cost of private insurance to households with income below 100% of the federal poverty guidelines—and many more remain uninsured as some states have opted not to expand Medicaid coverage to all who are eligible under the Act. The ongoing political wrangling over whether to repeal and replace or repair the Act makes it uncertain whether even those qualified for subsidies or tax credits will have access to a provider willing to participate in the ACA Marketplace.
Research has shown that insurance coverage is related to better health outcomes. In an issue brief, “How Does Insurance Coverage Improve Health Outcomes?” published April 2010 by Mathematica Policy Research, Inc., the authors reported that:

- Uninsured young children have lower immunization rates than insured children.
- Uninsured children are 70 percent less likely than insured children to receive medical care for common childhood conditions, such as a sore throat, or for emergencies.
- Parents of uninsured children are more likely to report unmet needs for mental health services for their children.
- Uninsured children are less likely to receive treatment for chronic conditions such as diabetes and asthma.
- Uninsured children have less access to a usual source of care, community-based services, and services to make transitions to adulthood.
- Untreated health conditions cause uninsured children to lose opportunities for normal development. Their educational achievement suffers because they miss more days of school which may ultimately lead to other manifestations of poverty. These manifestations could include: a lack of opportunity for full employment at a living wage, disproportionate involvement in the civil or criminal justice system and an unending and continuous cycle of crises.

Similarly, Families USA, a national advocacy group for the under and uninsured, in its research brief, “Dying for Coverage: The Deadly Consequences of Being Uninsured,” published June 2012, cited the following:

- The uninsured are less likely to have a usual place of care outside of the emergency room.
- The uninsured often go without screenings and preventive care.
- The uninsured often delay or forego needed medical care.
- Uninsured Americans are sicker and die earlier than those who have insurance and are more likely to be diagnosed with a disease in an advanced state.
- Uninsured adults are at least twenty five percent more likely to die than adults with private insurance.

Reaching similar results, the Henry J. Kaiser Family Foundation lists the following, “Key Facts About the Uninsured Population,” on its website, October 5, 2015:

- Low income working families make up 40% of the uninsured, with individuals below poverty at the highest risk of being uninsured.
- People without access to insurance have worse access to care than those who are insured.
- Over one quarter of uninsured adults in 2014 went without needed care due to cost.
- Studies repeatedly demonstrate that the uninsured are less likely than those with insurance to receive preventive care and services for major health conditions and chronic conditions.
- The uninsured are at higher risk for preventable hospitalizations and missed diagnoses of serious health conditions.
- The uninsured report higher rates of postponing care and foregoing care and needed prescriptions.
• After a chronic condition is diagnosed, they [the uninsured] are less likely to receive follow-up care and more likely to have their health decline.

Focusing on outcomes for children, the Campaign for Children’s Healthcare provides ‘Six Good Reasons Why Children Should Have Health Insurance’ in its March 2007 publication, “Why Do School Aged Children Need Health Insurance?”:

• Children with insurance are more likely to have a usual source of care.
• Children with insurance are more likely to have access to preventive care.
• Children with insurance are more likely to get the health care services they need.
• Children with insurance will help close racial disparities.
• Children with insurance help improve social and emotional development.
• Children with insurance are better equipped to do better in school.

And while not cited in the above reference, it can be fairly stated that these same six reasons, with some minor modifications, also apply to adults.

ISSUE: HEALTH INSURANCE COVERAGE AND ACCESS

Increase the number of Americans with health insurance coverage and access to health care through collaborative and community-based strategies to promote enrollment in Medicaid, CHIP and private insurance coverage from the Affordable Care Marketplace.

STRATEGIES:

• Advocate for expansion of Medicaid Coverage Expansion. Since 1990, the American Bar Association has supported the expansion of the Medicaid program to provide coverage for all children and all pregnant women with family incomes less than 200 percent of the federal poverty level. See ABA Resolution 105.

• Encourage local and state governments and NGOs to consider expanding the Children’s Health Insurance Program (CHIP) through the removal, in the states where it still exists, of the mandatory five year enrollment waiting period for children who are in the country legally.

• Encourage health care advocates to consider enforcement of coverages required under the Mental Health Parity Act

RESOURCES:

The following are some examples of national, state and local efforts that individuals, organizations, churches, hospitals, local communities and states may access and localize to meet their communities’ needs:

Florida Covering Kids and Families, initially launched as an initiative of the Robert Wood Johnson Foundation, provides information on resources available across the state to assist individuals and
families with children in enrolling in CHIP, Medicaid and the Affordable Care Act Marketplace. Click [here](#) for more information.

*Enroll America* works with 4,600 partners in all 50 states to maximize “the number of Americans who enroll in and retain coverage under the Affordable Care Act.” The organization works by “equipping organizations with tried-and-true models for outreach and enrollment …” Enroll America has links on its site to materials, information and publications organizations will find helpful in becoming Certified Application Counselors to help individuals requiring coverage navigate the application process. The organization, through its “Get Covered America” campaign, shares its outreach model with organizations across the country so every community has the tools they need, including training and support services to connect people to coverage. Click [here](#) for more information.

The federal Health Insurance Marketplace website contains many resources on how to apply to become an “Assistor” or Certified Application Counselors to help exiting and new Marketplace Consumers. The site offers technical assistance resources, training, strategies for outreach and education activities, as well as all forms and application related to the process. Click [here](#) for more information.

**ISSUE: ACCESS TO MEDICAL TREATMENT**

While achieving health care coverage for all is a laudable goal, it does not address the issue of “access”. One may be insured, but not have access to needed services. Access is defined as “a broad set of concerns that center on the degree to which individuals and groups are able to obtain needed services from the medical care system.” See [www.nap.edu](http://www.nap.edu). The authors go on to identify three primary barriers to accessing care:

- Structural barriers, such as types of services available and location of those services.
- Financial barriers.
- Personal and cultural barriers.

Dr. Ananya Mandal, MD, in her article “Disparities in Access to Healthcare”, updated August 6, 2014, New Medical Life Sciences and Medical adds to this list of barriers and includes:

- Legal obstacles (i.e.: immigrants);
- Irregular source of care;
- Lack of transportation;
- Long appointment time waits;
- Lack of convenient appointment times;
- Long waits at the point of service;
- Lack of providers – particularly in inner cities and rural areas where there may not be an adequate number or array of providers or diagnostic facilities;
- Language barriers; and,
- Older patients on fixed income lacking transportation or personal mobility.
STRATEGIES:

- Encourage local and state governments and NGOs to consider expansion of geographically accessible community health centers equipped to engage vulnerable people through provision of “medical homes” with a focus on cultural sensitivity, wellness and prevention.

- Encourage local and state governments and NGOs to consider the creation of respite care and other step-down models that provide appropriate medical care and treatment to homeless individuals whose illness do not require hospitalization but cannot be managed in a shelter environment.

- Encourage local and state governments and NGOs to consider establishing maternal and child evidence-based home visiting programs such as Healthy Families and Healthy Start to improve access to prenatal care, reduce infant mortality, and increase compliance with well-child visits and immunizations.

- Encourage local and state governments and NGOs to consider establishing health care workforce initiatives that address anticipated physician and physician-extender service shortages.

- Encourage state governments to consider establishing “scope of practice” initiatives that permit appropriately credentialed Advanced Registered Nurses and Physician Assistants to practice in medically under-served areas.

- Encourage federal and state governments to consider increasing Medicaid payments to primary care providers.

- Advocate for federal, state, local and territorial governments to maintain the Medicaid eligibility of otherwise-eligible incarcerated persons and provide continuity of Medicaid eligibility to persons newly-released from custody. (August 2007) 07A122

- Encourage health care providers to locate their service sites on public transportation routes.

- Encourage health care providers to schedule some of their office hours on weekends or evenings so that working poor can access services without losing paid work hours.

RESOURCES:

Stakeholder Health - Transforming Health Through Community Partnership is a “voluntary movement of people working within hospital health systems ... to address the underlying causes of poor health in their communities by strategically shifting resources and partnering with diverse stakeholders.” The site contains information on integrating care, healthy housing and health outcomes, the benefits of engaging community health workers, overcoming transportation barriers, mental health issues, the beneficial roles of community health navigators, the importance of prevention, community building and other transformative health topics. Click here for more information.
An initiative in Chicago, “The Boulevard” (f/k/a “Interfaith House”) is a 64-bed medical respite program for homeless individuals where they are able to receive meals, shelter, transportation to medical appointments, case management, referrals to mental health and substance abuse treatment and linkages to primary care. These services have reportedly resulted in improved health outcomes. Other so-called “recuperative care centers” such The Boulevard are appearing across the country, with some serving as longer term housing for homeless individual with chronic health problems (E.g., Hennepin County Medical Center, Minnesota; and, New York City Health and Hospital Corporation) Click here for more information on The Boulevard.

**ISSUE: ACCESS TO MENTAL HEALTH TREATMENT FOR BOTH CHILDREN AND ADULTS**

**STRATEGIES:**

- Encourage local and state governments and NGOs to consider the creation of community-based mental health centers with a full continuum of services, to include case management, medication management, outpatient services, crisis services as well as various levels of residential facilities to address varying care needs.

- Encourage local and state governments and NGOs to consider the establishment of programs that provide incentives to individuals to pursue careers in the mental health field and to include all levels of licensed practitioners.

- Encourage local school boards and state governments to consider expanding school-based and home visiting mental health services.

- Encourage local and state governments and NGOs to consider improving service collaboration and integration between mental health and primary healthcare.

- Encourage local and state governments and NGOs to consider establishing holistic services for individuals with co-occurring disorders through the integration of substance abuse and mental health assessments, treatment and recovery support services and related data and financing systems.

- Encourage local and state governments and NGOs to consider expanding opportunities for recovery for state mental health treatment facilities’ consumers by increasing community capacity, decreasing length of stay and monitoring readmission and recidivism.

- Encourage local and state governments and NGOs to consider enhancing integration of child welfare and behavioral health services.

- Encourage local and state governments and NGOs to consider improving access to clinical treatment and recovery support services for veterans and their family members.
ISSUE: ACCESS TO SUBSTANCE ABUSE TREATMENT

STRATEGIES:

- Encourage local and state governments and NGOs to consider establishing community-based substance abuse treatment centers with a full continuum of services, to include case management, outpatient services, crisis services, as well as various levels of residential facilities to address varying care needs.

- Encourage local school boards and state governments and NGOs to consider expansion of school-based substance abuse prevention programs.

ISSUE: THE HIGH COST OF PRESCRIPTION DRUG PRICES

STRATEGIES:

Prescription drug costs, to include generics, are increasing and projected to continue to do so, making medications less affordable to low income individuals. While the Affordable Care Act is moving to eliminate the “donut hole” in prescription coverage, many low-income seniors are struggling to afford needed medications.

- Encourage local health care advocates and NGOs to develop community positions on whether Congress should enact additional regulation to pharmaceutical companies that deal with pricing structures.

- Encourage local health care advocates and NGOs to develop community positions on whether states should enact insurance reform to limit “out of pocket” costs, as has been implemented in some states.

- Encourage local health care advocates and NGOs to develop community positions on whether Congress should require negotiation of drug prices for Medicare products.

- Encourage local and state governments and NGOs to consider development of programs that make it easier for persons living on the streets to fill their prescriptions in culturally sensitive and geographically convenient locations.

ISSUE: ACCESS TO HEALTHY FOOD AND PUBLIC HEALTH OUTCOMES

There is a growing interest in understanding how access to healthy food impacts the poverty and health-outcome relationship. Access to affordable, healthy food remains an issue for a variety of reasons including cost, the ability to prepare food, transportation, and “food deserts”—geographic areas with limited access to and availability of affordable healthy foods. Lack of access to healthy food has been associated with poorer health outcomes, including adjusted mortality, diabetes, and obesity rates.
**STRATEGIES:**

- Encourage local and state governments and NGOs to consider the creation of programs such as 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.

- Encourage local school boards and state governments to consider the establishment or expansion of 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 local health care advocates and NGOs to develop community positions on whether federal or state governments should require all stores to accept the Women’s, Infants and Children’s federal nutritional program vouchers.

- Encourage local school boards and state governments to consider the creation of additional nutrition education and healthy vending machines in schools.

- Encourage local health care advocates and NGOs to develop community positions on whether state governments should require farmers markets to require acceptance of EBT cards for purchases.

- Encourage local school boards and state governments to consider inclusion of the 5-2-1-0 programs for children (and adults) wherever possible.

**ISSUE: CONNECTING PATIENTS WITH SERVICES AND ADVOCATES**

**STRATEGIES:**

- Establish School Based Health Centers and Trauma-Informed Schools - the creation of comprehensive school based health centers that include access to mental health, case management and reproductive health. These centers keep kids in school (both by preventing illness and addressing behavioral health issues that lead to suspension and expulsion), in sports, in activities and help kids and families get their needs met. These centers in schools could also be a resource to help impact broader school health including health literacy, healthy eating and promotion of healthy activity for children and youth. Ensure that evidenced-based, trauma-informed training and support is offered to families, teachers and students. Build on and partner with the Alive and Well Campaign and include multiple other youth serving partners in schools. This work could also help improve rates of suspensions and expulsions. Click [here](#) for more information.

- Advocate for the establishment of Medical-Legal Partnerships. Encourage lawyers, law firms, legal services agencies, law schools and bar associations to develop medical-legal partnerships with hospitals, community-based health care providers, and social service organizations to help identify and resolve diverse legal issues that affect patients’ health and well-being. See [ABA Resolution 120A](#) on Medical-Legal Partnerships.
Encourage state governments and bar associations to consider establishing laws and ways to encourage lawyer participation in court-appointed “Guardian Advocates” programs.

**ISSUE:** PROVIDING APPROPRIATE TREATMENT AND SERVICES INSTEAD OF CRIMINALIZATION

**STRATEGIES:**

- Establish advocacy programs for the legal representation of people with mental health issues.
- Advocate for federal, state, territorial and local governments to adopt legislation that includes appropriate programs, policies and laws to provide health care access and support for the large number of adults with mental illness and juveniles with mental or emotional disorders who come into contact with the criminal and juvenile justice systems. This legislation should include provisions that increase funding for public mental health systems so that adults with mental illness and juveniles with mental or emotional disorders can obtain the support necessary to enable them to live independently in the community, and to avoid contact with the criminal and juvenile justice systems. [ABA Resolution February 2004](#) Click here for more information on the Commission’s website and contact the Commission if you are interested in technical assistance.

- Advocate for the implementation of Veterans Treatment Courts. Since February 2010, the American Bar Association has urged state, local, and territorial courts to facilitate the development of Veterans Treatment Courts. See [ABA Principles for Veterans Treatment Courts](#) (February 2010)

- Encourage local and state governments and NGOs to consider establishing programs with treatment options for minor substance abuse offenses in lieu of incarceration.

- Encourage local and state governments and NGOs to consider the establishment of Teen Courts to reduce the number of adolescents entering the juvenile justice system.

**ABA POLICIES**

- [Principles for Veterans Treatment Courts](#) (February 2010) (Commission on Homelessness and Poverty; Criminal Justice Section; National Conference of Specialized Court Judges; Standing Committee on Armed Forces Law; Commission on Mental and Physical Disability Law; Standing Committee on Substance Abuse; Judicial Division; Tort Trial and Insurance Practice Section; Standing Committee on Legal Aid and Indigent Defendants; National Conference of Administrative Law Judiciary and Standing Committee on the Delivery of Legal Services) Urges state, local and territorial courts to facilitate the development of Veterans Treatment Courts...The ABA supports the development of comprehensive, systemic approaches to address the special needs of veterans within civil and criminal court contexts, including but not limited to proceedings involving veterans service-related injuries, disorders, mental health and substance abuse needs, through programs that connect veterans to appropriate housing,
treatment and services through partnership with the local Veterans Affairs Medical Centers, community-based services and housing providers.

- **Medical-Legal Partnerships** (August 2007) (Health Law Section) Encourages lawyers, law firms, legal services agencies, law schools and bar associations to develop medical-legal partnerships with hospitals, community-based health care providers, and social service organizations to help identify and resolve diverse legal issues that affect patients’ health and well-being. 07A120A

- **Medicaid Eligibility** (August 2007) (Criminal Justice Section) Urges federal, state, local and territorial governments to maintain the Medicaid eligibility of otherwise-eligible incarcerated persons and provide continuity of Medicaid eligibility to persons newly-released from custody. 07A122

- **Medicaid Coverage Expansion** (1990) (Section of Family Law; Section of Individual Rights and Responsibilities and Young Lawyers Division) The ABA supports the expansion of the Medicaid program to provide coverage for all children and all pregnant women with family incomes less than 200 percent of the federal poverty level.

- **Mental or Emotional Illness in Criminal Justice System** (2004) (Criminal Justice Section) Urges Congress to enact legislation that would address the complex problem presented by the large number of adults with mental illness and juveniles with mental or emotional disorders who come into contact with the criminal and juvenile justice systems. Urges federal, state, local and territorial governments to: (1) increase funding for public mental health systems so that adults with mental illness and juveniles with mental or emotional disorders can obtain the support necessary to enable them to live independently in the community, and to avoid contact with the criminal and juvenile justice systems, and (2) improve their response to these adults and juveniles who come into contact with the criminal and juvenile justice systems by developing and promoting appropriate programs, policies and laws.”

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5. Inadequate Education Outcomes

*Inadequate Education Outcomes*

Education plays a critical role in eradicating poverty, and every child has a right to a high-quality education. Poverty is associated with increased rates of hunger, as well as chronic and acute illnesses
that may impede learning by causing absences and negatively affecting a child’s ability to concentrate on schoolwork. Youth denied a high school education have higher rates of unemployment, incarceration, and health issues.\(^1\) All schools receiving federal funds under Title I are required to provide all students with key elements of a high-quality education that will enable them to master those high standards. Teachers must be “highly qualified,” use effective instructional strategies, and regularly get intensive training on how to provide this kind of enrichment.\(^2\)

**ISSUE: PARENTAL AND FAMILY INVOLVEMENT**

Meaningful family participation is a good predictor of high student achievement at both the elementary and secondary levels. Barriers to family involvement include a lack of time among working parents, negative prior experiences with schooling, an inability to assist children with homework, limited funding to support parent engagement activities, and a lack of staff training in ways to involve parents and families. When parents or other caregivers are involved in a students’ education, students complete more homework, earn better grades and score higher on standardized tests. Children of involved parents also have better attendance records, drop out less often and have greater vocational aspirations.

While studies have shown that these positive outcomes occur regardless of a student’s ethnic or racial background or socioeconomic status, parents of students living in a household with income above the poverty level are more likely to be involved in school activities than parents of children living in a home at or below the poverty line.

**STRATEGIES:**

- Encourage families to embrace educational success as a high priority within the family and convey this to the youth in a caring and supportive manner.

- Encourage parent-teacher communication through several different means (i.e. flyers, phone calls, in-person meetings, emails etc.). Similarly, provide translations if necessary for English as a second language (ESL) parents.

- Teachers should incorporate homework assignments that involve family participation.


\(^2\) 20 U.S.C. §§6314(b)(1)(B)(ii), (C), and (D) and 6315(c)(1)(C), (E), and (F).
• Schools should collaborate with community organizations to offer classes for parents about how to engage in their children’s education and why it is so important.

• Schools should host events at the school (after work hours or on the weekend) for families and students. Examples could include fundraising events, workshops, social events etc. Schools should provide the option of transportation to and from these events.

• School boards should continuously track the effects of involvement, in order to use time and resources wisely.

• Schools should provide equal representation for parents on school governing bodies.

ISSUE: ALTERNATIVES TO DISCIPLINE /ZERO TOLERANCE POLICIES TO EXCLUDE VULNERABLE YOUTH FROM SCHOOL

The ABA believes that removing a student from their educational program through exclusion (suspension or expulsion), when the student’s behavior is not substantially likely to cause injury to self or others, runs counter to the goal of ensuring that all students receive a high-quality education, and is an ineffective means of changing undesirable behavior.\(^3\) Research has shown that even temporary suspension from school contributes to poor academic achievement, lowered self-esteem, alienation from peers, delinquency, gang recruitment, falling behind in class, and ultimately dropping out of school entirely.\(^4\) Research shows that students who are victim to suspensions and zero-tolerance policies in school are much more likely to become involved in the criminal justice system. This is the school-to-prison pipeline.

Given the harmful effects of school exclusion, it is particularly disturbing to note its disproportionate application to students of color and other discrete and insular minorities. In particular, schools suspend African American males at nearly three-times the rate of their white, non-Hispanic peers.\(^5\) Schools disproportionately charge students of color with minor, subjective infractions, such as disobedience or disrespect.\(^6\) Other students subject to excessive exclusion from school include those with disabilities, those in foster care, youth experiencing homelessness, those living at or below the poverty level, and youth who identify as LGBTQ.\(^7\) For more information on alternatives to discipline and the school-to-prison pipeline, click here.

STRATEGIES:

\(^3\) 118B, 8
\(^4\) Id.
\(^5\) 118B, 14
\(^6\) 118B, 15
\(^7\) 118B, 14-15; [other sources for homeless & LGBT youth]
Efforts should encourage law and policy changes that will help students remain in school, promote a safe and supportive school environment, inform students and parents of their rights, and enable students to complete school.\(^8\)

- Prevent disciplinary issues by implementing evidence-based and scientifically valid preventive school-wide practices for improving student behavior and creating a safe school climate more conducive to learning.
- Encourage students to know their rights and, when appropriate, privately enforce existing laws including, but not limited to, Title IX. To learn more about a student’s rights under Title IX, [click here](#).
- Restrict exclusion offenses to those that are the most serious or dangerous.
- Require use of alternative interventions to resolve disciplinary issues prior to exclusion ([click here](#) for alternative strategies for effective school discipline).
- Minimize the length and educational impact of exclusions.
- Prohibit use of school exclusion as a response to truancy.
- Decriminalize school-related behavior and increase the use of positive behavior interventions and support.
- Establish programs and procedures to help parents, students, and their legal representatives understand the rights of students to remain in school.
- Collect data regarding rates of graduation, dropout, truancy, and disciplinary violations, which is disaggregated by race, disability and other disparately affected populations, so that no group is disparately subjected to school discipline or exclusion.

**ISSUE: INADEQUATE ACCESS TO EDUCATION FOR HOMELESS YOUTH, INCLUDING ACCESS TO EARLY CHILDHOOD EDUCATION**

Under the McKinney-Vento Act, state education agencies (SEAs) must “ensure that each homeless child and youth has equal access to the same free, appropriate public education, including a public preschool education, as other children and youth. Homeless children and youth must have access to the educational and related services that they need to enable them to meet the same challenging state academic standards to which all students are held. In addition, homeless students may not be separated from the mainstream school environment.”\(^9\) Children and youth experiencing homelessness and/or poverty often lack the documents ordinarily required for school enrollment. Nonetheless, schooling is

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\(^8\) 118B, 15
\(^9\) 42 U.S.C. § 722(e)(3)(B)
critical in a child’s development. Oftentimes, it is the only stable and safe environment for a child. Immediately enrolling and continuously enrolling students provides stability and avoids the personal, education, and social trauma involved with continuously changing schools.10

States use early childhood education programs to provide children, ages five and younger, with access to educational resources that are often provided by private preschool curriculums. In addition to traditional education benefits, many early childhood curriculums also incorporate health and nutrition programs and engage parents as early as possible to foster parent involvement and investment in their child’s education.11 McKinney-Vento extends the right of access to public schooling to homeless preschool children.12 For those attending preschool programs, Every Student Succeeds Act of 2015 (ESSA) guarantees school of origin enrollment and transportation rights to homeless preschoolers, just as they are guaranteed to other homeless children and youth in public schools.13

**STRATEGIES:**

- Advocate for “full service schools” that connect students and families to a continuum of coordinated and accessible services including: health services; counseling; child care; community policing; mentoring; legal clinics (for information on school-based legal clinics in Connecticut, [click here](#)).

- SEAs and local educational agencies must review and carry out steps to revise laws, regulations, practices, or policies that can act as barriers to the identification, enrollment, attendance, or success in school of homeless children and youth.

- Local educational agencies should facilitate continuity of schooling by ensuring that school personnel are aware of the legal rights of homeless children.

- Schools should actively collaborate with local shelters and other service providers to provide continuity.

- Empower teachers as advocates. Teachers can ensure that schools place children and youth who experiencing homelessness in the appropriate grade and that they are receiving important support services.

- Encourage and foster family involvement in a child’s education through workshops at shelters on topics such as child development, educational rights, etc.

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11 National Law Center on Homelessness & Poverty, *Homeless Students Count: How States and Schools Districts Can Comply with the New McKinney-Vento Education Law Post-ESSA*, 7


13 Id.
Appoint a homeless liaison in every school district (for more information on local homeless liaisons for school districts, click here).

Provide family support services such as counseling, job training, etc.

Ensure that school personnel are knowledgeable about the McKinney-Vento Act and the protections it provides students experiencing homelessness (For more information on federal rights protected by the McKinney-Vento Act and the Every Student Succeeds Act of 2015, click here).

Encourage teachers to be knowledgeable and flexible regarding incomplete homework, frequent absences, poor hygiene, and hunger.

Advocate for the establishment of “breakfast programs” for students to ensure that all students have access to a healthy morning meal. Click here to learn more about breakfast programs.

**ISSUE: SPECIAL POPULATIONS**

All school districts must meet their obligations under Title VI of the Civil Rights Act to ensure students receive equal educational opportunity. Title VI prohibits discrimination on the basis of race or national origin. Children should not be placed in low-track classes disproportionately composed of students of one race if those classes have low academic content and do not fully address the challenging subject matter, which a state in its standards has determined all students should learn.

Also under Title VI, schools are required to identify children who have limited English proficiency, and provide alternative language services that will teach English and allow them equal access to the education program. Federal law also requires that parents of students struggling with language proficiency receive the same information about programs that the district offers to parents.¹⁴

Access to education for children and youth with disabilities is often inadequate due to a lack of understanding about their needs, lack of proper teacher training, an unconducive environment at school, and a lack of resources and facilities.¹⁵ The federal law called the Individuals with Disabilities Education Act (IDEA) protects the rights of children and youth with disabilities. IDEA ensures that all students with disabilities receive a free, appropriate public education, including special education and related services.

A quality education is also vitally important for the more than 800,000 children and youth who are involved each year in the foster care system in the United States. One of the major obstacles for children and youth in foster care is transitioning out of care and into adulthood. Education is a key factor in whether a child successfully makes this transition.

**STRATEGIES:**

- Increase awareness about the lack of remedies for privately enforcing Title IX.
- Ensure youth with disabilities receive the protections provided to them by federal law (IDEA) so they are not reprimanded for behavior that may be a symptom of their disability.
- Advocate for school placement stability and continuity for special populations.
- Encourage foster families to understand and advocate for the youth’s education rights and to become involved in the school.
- Caregivers, teachers and families must ensure that youth are prepared to make the transition from high school to postsecondary education or employment by utilizing strategies such as counseling, training, and an individualized education plan, assessing financial aid options and other needs.

**ABA Policy Positions**

The ABA House of Delegates establishes Association policy. The 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, and the Commission is equipped to provide free technical assistances to advocates. A searchable database of all policy resolutions adopted by the ABA may be access [here](#).

- **Homeless and Foster Youth Education Barriers** (August 2007) The ABA urges Congress to ensure programs of the Elementary and Secondary Education Act support the academic achievement of all McKinney-Vento eligible students, including students experiencing homelessness and in foster care. The ABA urges amendment of other federal, state, territorial and tribal laws and court and child welfare practices to promote the stability and continuity of education for all students in foster care and students experiencing homelessness by supporting appropriate student placement, prompt school enrollment, attendance, and education success.

- **Right to High Quality Education** (August 2009) The ABA urges federal and state legislatures to pass laws, and national, state, and local education agencies to implement policies to secure the right of every child to a high quality education, to improve implementation and enforcement of existing laws and policies designed to enable a
student to receive a high quality education and to assist students in understanding and utilizing existing provisions of law and remedying deficiencies in their implementation and enforcement through administrative and judicial relief. The ABA urges state and local bar associations to seek improvements in state and federal law to protect the right to high quality education, make legal representation available to parents, students and organization seeking to enforce laws related to education and provide community legal education and other assistances to aid in understanding and improved implementation of the right to high quality education.

- **Right to Remain in School** (August 2009) The ABA urges federal and state legislatures to pass laws and national, state and local education, child welfare and juvenile justice agencies to implement and enforce policies that help advance the right to remain in school, limit exclusions from and disruption of educational programs as a response to disciplinary problems, provide students with full procedural protections, reduce criminalization of truancy and other school-related conduct, and establish programs to assist parents, students and legal representatives in understanding and exercising rights to remain in school. The ABA urges federal and state legislatures to legally define, standardize and measure graduation rates, dropout rates, truancy, and disciplinary violations resulting in suspensions and expulsions with data disaggregated by race, disability and other disparately affected populations.

- **Right to Return to School** (August 2009) The ABA urges enactment and implementation of statutes and policies that support the right of youth who have left school to return to school to complete their education in high-quality, age appropriate programs. The ABA urges the enactment of laws and policies that establishes programs and procedures to encourage and assist parents, students and their legal representatives in understanding and exercising student rights to resume their education.

- **Foster Youth Higher Education** (August 2012) The ABA urges lawyers, judges, child welfare and education agency administrators, educators, school regulatory bodies, and legislators to support the enrollment in and successful completion of postsecondary education by youth in foster care, or those who have been in foster care.
Lack of Opportunity for Full Employment at a Living Wage

Unemployment and underemployment are at the core of poverty. For low-income individuals and families, work that pays a living wage is the only means to improve their living situation. As a result, the creation of jobs should be the centerpiece in a strategy to address the reduction of poverty. This job creation should focus not only on the quantity of jobs, but the quality as well, including job equity and job security, especially for those who face systemic obstacles and barriers due to gender, age, disability, race and ethnicity, and other factors that intersect with poverty, and may contribute to disparity of opportunity. In addition to jobs, there should be a focus on providing people living in poverty with education and skills training that will enable them to reach their full employment potential.

ISSUE: LACK OF ADEQUATE JOB OPPORTUNITIES

Research demonstrates that a well-paying job is one of the best ways for an individual to move out of poverty. It is estimated that 5.6 million jobs need to be created in order to get back to the pre-recession level of employment. Any holistic approach to addressing poverty will require investing in job creation strategies, including strategies that foster the creation of jobs in the private sector and governmentally subsidized employment to assist those who have endured long-term unemployment and other disadvantaged workers.

Currently, work supports for low-income workers are primarily geared towards meeting the employment needs of small businesses. Consideration should be given to striking the right balance in government policy between the needs of small businesses and worker or work-seeker friendly support such as a “one stop” approach to workforce development that offers a comprehensive package of services with key features including:

1. a “no wrong door” to entry approach;
2. variable packages of services that serve workers based on their needs, not on point of entry or funding stream;
3. allowing job seekers to move seamlessly between programs authorized under different laws;
4. support for learning and training in skills & credentials required for in-demand occupations.
STRATEGIES:

- Advocate for businesses to make use of the Workforce Innovation & Opportunity Act (WOIA) and assist community-based organizations and poverty law advocates with WIOA accountability measures to ensure that the law’s provisions and requirements are being effectively carried out.

- Create pathways for lower skilled employees to move along an internal career path to higher skilled jobs.

- Request that businesses consider expanding funding for job training and wage support programs for new hires and give preferential funding to job training programs that successfully serve, place, and retain job seekers.

- Advocate legislatively to expand and incentivize transitional job programs for TANF recipients, long-term unemployed and at-risk youth.

- Encourage businesses to implement work-based learning and apprenticeship opportunities as a workforce training approach.

RESOURCES:

Description from www.clasp.org/resources-and-publications/publication-1/WIOA-Implementation-Opportunities-for-Partnership.pdf, David Socolow, dsocolow@clasp.org, August 26, 2015; http://www.clasp.org/wioagameplan

United States Department of Labor, Employment and Training Administration: www.doleta.gov/wioa

Office of Career, Technical, and Adult Education: Workforce Innovation and Opportunity Act: http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/wioa-reauthorization.html

Innovation & Opportunity Network: https://wioa.workforce3one.org/page/home

Forward Through Ferguson: http://forwardthroughferguson.org/?s=employment&x=0&y=0 & http://forwardthroughferguson.org/?s=living+wage&x=0&y=0

ISSUE: LACK OF SUPPORT SYSTEMS AND FLEXIBILITY FOR THE WORKFORCE

Studies indicate that dealing with childcare, personal or family illness and the logistics of getting to and from work is especially challenging for those in low-wage or hourly jobs. On the average, one third of a poor families’ income goes to child care. Addressing these special challenges will require consideration of ways to strengthen workforce support systems through legislation and voluntary implementation of employment policies that increase flexible scheduling, leave benefits and innovative public-private partnerships.
**STRATEGIES:**

- Encourage legislatures to consider further improvements to the Earned Income Tax Credit and to expand the Earned Income Tax Credit to childless workers and to young adults.

- Encourage legislatures to consider expansion of funding for child care assistance.

- Encourage local and state legislatures and the business community to consider policies that would provide sufficient paid leave to avoid low wage workers from being put into a position of having to forego needed income or employment due to the illness of a family member or the birth of a child.

- Encourage local businesses to voluntarily implement provisions of the proposed Schedules That Work Act (e.g., require two weeks’ advance notice of worker schedules, allowing employees to request schedule changes without retaliation) that may be consistent with business interests in promoting a stable workforce without excessive turnover and higher training expenses due to workers who terminate because their income and schedules are not adequate and predictable.

**RESOURCES:**


Oregon Senate Bill 454 (passed): Implement mandatory 40-hours annual paid sick leave for businesses employing at least ten persons: [https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB454/Enrolled](https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/SB454/Enrolled)

**ISSUE: NEED FOR A LIVING WAGE AND PAY EQUALITY**

Research shows that in the late 1960s a full-time worker earning the minimum wage was able to lift a family of three out of poverty. That fact is untrue today. Increasing pay to living wage levels would not only create a path out of poverty, but would also be good for families and for the economic recovery of the country. Workers whose labor is compensated with a living wage can get out of debt and stay debt-free, lessening the likelihood of financial exploitation and strengthening the nation’s sense of economic justice for those who have suffered most from the country’s economic crisis.

In addition to advocacy that promotes jobs that pay workers a living wage, pay equality should be addressed. It is well documented that female full-time workers earn 78 cents for every dollar earned
by men. Obtaining pay equality could conceivably cut poverty in half for working women and add nearly a half trillion dollars to the nation’s gross domestic product.

**STRATEGIES:**

- Advocate for local and state legislatures to consider establishing a living wage linked to geographic cost of living differentials and to inflation.

- Encourage businesses to voluntarily institute policies and practices consistent with pay equality and ending the gender wage gap, e.g., the Schedules That Work Act, the Paycheck Fairness Act, promoting equity for Tipped-Wage Employees, Miami-Dade County Social Equality Policy.

**ISSUE: INABILITY TO OVERCOME OBSTACLES AND BARRIERS TO EMPLOYMENT FOR YOUNG MEN OF COLOR**

Research shows that young men of color, especially those in poor and low-income communities, have some of the worst employment and education outcomes. They are disproportionately affected by the criminal justice system and suffer from poor health outcomes. However, these young people are also fathers, brothers, sons, and indispensable members of our nation and communities. They are parents (custodial and non-custodial) of young children, whose success is placed at risk by economic instability. Their children’s futures are inextricably linked to their success and their ability to access opportunities and pathways out of poverty.

Employment is an important part of youth development and successful progression into young adulthood. Ages 16 through 24 are critical development years, as young people prepare to take on adult responsibilities. A key predictor of consistent employment in adulthood is early exposure to the world of work through summer and year-round employment, internships and service opportunities during the teen years. Youth who have been employed tend to have higher earnings in young adulthood. Additionally, teens who are employed are more likely to stay in school and graduate high school.

**STRATEGIES:**

- Utilize the recently passed Workforce Innovation and Opportunity Act (WIOA) to provide local and state communities with an opportunity to improve access to workforce education and training for low-income young adults and out-of-school youth, who are disproportionately young people of color.

- Encourage creation of a new workforce system that addresses these target communities’ needs and leverages economic development and state and local education opportunities (such as community colleges).
• Leverage other resources, such as state and local workforce development boards, to focus additional resources beyond Title I youth funding (e.g., through governor’s statewide set-aside allocations) to serve out-of-school young men of color.

• Ensure that state and local plans detail how they will support a continuum of services across programs along a career pathway.

• Help in the implementation of interventions that target this population, such as transitional jobs, pre-apprenticeships and apprenticeships, and integrated education and training in partnership with post-secondary institutions.

• Foster creation of sustainable state and local community-based systems of workforce services that provide opportunities for career exposure, exploration and employment—including work exposure and entry-level jobs—to respond to labor demand and emerging work opportunities for which young men are prepared.

• Advocate for employer-focused strategies that increase young men’s exposure to work in ways that tear down employer misconceptions including employment programs and interventions that help young men gain access to employers and work opportunities that would ordinarily be closed to them.

• Ensure that federal, state and local governments, along with partners in the private sector, make budgetary investments in summer and year-round work experience and other try-out employment strategies, such as entry-level internships that provide stipends and wages and expose young men to careers, professional environments and the world of work.

• Advocate for use of federal, state and local funding to implement subsidized employment options such as transitional jobs for short- and long-term job placements for young men with limited work experience and those who face other barriers as a result of homelessness, involvement with the justice system and/or behavioral and mental health challenges.

• Create public and private partnerships to expand pre-apprenticeships and registered apprenticeships to allow young men to build their vocational, technical and educational skills, and explore a career path prior to entering a registered apprenticeship program in a specific industry.

RESOURCES:
ISSUE: REMOVING OBSTACLES TO EMPLOYMENT FOR FORMERLY INCARCERATED PERSONS

In many instances, involvement with the justice system and felony convictions prohibit men and women from access to employment as well as the educational, job training, federal student aid and stable and secure housing supports needed to allow success at work.

Advocacy to remove barriers to reentry is gaining traction due to research showing the high human and fiscal costs of decades of "tough on crime", drug and other public policy approaches and of how the criminal and civil justice systems can intertwine in ways that criminalize poverty and race. Emphasis on diversion is also gaining traction. Diversion can address any intervening before poverty and race factors disproportionately draw certain populations into the criminal justice system.

STRATEGIES:

- Create local Reentry Legal Clinics that work to remove barriers to employment, housing and access to other public services for clients with a criminal record. Such a clinic, in partnership with volunteer attorneys, provides brief information and advice without any cost. Clinic cases may sometimes form the basis for class-wide advocacy as necessary to enforce anti-discrimination laws impacting previously incarcerated persons.

- Advocate for fair hiring policies at the federal, state and local levels that remove unfair barriers to work that are based solely on prior criminal history and involvement with the criminal justice system. Examples of such innovative policies include so-called “Ban the Box” and “Fair Shot” legislation and ordinances that offer a potential worker the opportunity to be interviewed and explain prior criminal justice system involvement instead of facing automatic rejection. Such policies aim to reduce the stigma of incarceration and base employment decisions on applicants’ qualifications.

- Advocate for local and state legislatures to pass the legislation similar to the Certificate of Restoration of Opportunities Act (“CROP”), which would remove barriers to occupational licenses for persons with a criminal history. If passed, the bill would allow a formerly incarcerated person to apply for a certificate showing that they had met the terms of their sentence. Once received, a licensing board could not deny an application based on criminal history alone.

- Advocate for state legislatures to consider passing a Youth Equality and Reintegration “YEAR” Act, which would abolish most of the court costs, fees and fines levied against juveniles, who, due to childhood mistakes, have little hope of paying upon their release.

RESOURCES:
Local/State Advocacy Examples from Washington State (Jerri Katzerman, Statewide Advocacy Director at Columbia Legal Services, Jerri.Katzerman@columbialegal.org)
ABA POLICY POSITIONS:

- **Employment of People with Convictions.** (February 2007) Urges state agencies and licensing boards to develop and enforce policy on the employment of people with convictions, including the contractors and vendors who do business with the state.

- **Youth Jobs Program.** (February 1993) Urge local and state bar associations to adopt a youth jobs program similar to the Summer Law Internship of the Bar Association of Metropolitan St. Louis, providing summer employment, education, esteem and enhancement of future socio-economic potential for inner city youth, while simultaneously improving public perception of lawyers and the legal profession.

- **Rights of Farmworkers.** (August 1999) Support efforts to improve wages, working conditions and housing for farmworkers; enhanced enforcement of laws regulating the rights of farmworkers and according legal resident status to noncitizen farmworkers presently working in the United States. Oppose any expansion of the existing H2A nonimmigrant visa category for admitting temporary agricultural farmworkers to the United States either by changing the temporary labor certification process or by repealing or lowering existing H2A requirements.

- **Opportunities for Youth in the Juvenile or Criminal Justice Systems.** (February 2010) Urges federal, state, territorial and local governments to increase the opportunities of youth involved with the juvenile or criminal justice systems and to prevent the continuing discrimination against those who have been involved with these systems in the past by limiting the collateral consequences of juvenile arrests, adjudications, and convictions.

- **Due Process and Access to Legal Assistance in Workplace Enforcement Actions.** (February 2009) Supports legislation and/or administrative standards to ensure due process and access to appropriate legal assistance for persons arrested or detained in connection with immigration enforcement actions and encourages bar associations to raise awareness of the rights available to individuals taken into custody during workplace immigration enforcement actions.

- **Discrimination on the basis of Homeless Status.** (August 1986) Support legislation to (1) prohibit discrimination on the basis of transient or homeless status; (2) address the need for emergency relief to individuals and families without permanent shelter; (3) encourage public and private initiatives to increase the supply of habitable low-cost housing in the United States; and (4) adopt public policies and programs that will contribute to the ability of homeless people to become productive citizens.
Living Through an Unending and Continuous Cycle of Crises

There is a cumulative effect of crises on individuals and families living in poverty that creates challenges to moving out of poverty. We ask ourselves why our clients continue to utilize high interest payday loans, turn down or lose employment opportunities, and enter into what we judge to be unhealthy relationships or living arrangements. To be clear, these are loaded questions. We are not talking about a “culture of poverty” but rather the challenges faced by those living in poverty that perpetuate poverty. With the constraints of poor credit, limited work experience, and a lack of time and perspective to make crucial decisions, many families and individuals living in poverty are unable to stabilize their lives in the key areas that may lead to sustainable improvements in their socio-economic status.

ISSUE: ONE CRISIS AWAY FROM HOMELESSNESS

The lives of low income individuals and families are stressful. Most are living in poverty and/or communities without resources to adequately address those issues which would lead them out of poverty. They spend much of their time trying to overcome the myriad problems associated with being poor in America which are addressed in the Blueprints for Action highlighting the other manifestations of poverty, i.e. lack of affordable housing, inadequate health care or education and lack of opportunity for full employment at a livable wage. Many programs for low income individuals and families are means-tested, so that once a certain income level is reached there is a reduction or loss of benefits. This has two harmful results. One it creates a disincentive to improve one’s circumstances. Secondly, the increase in income is usually not so significant that it compensates for the loss of the benefit, thereby worsening the family’s economic status.

Likewise, the uncertain nature of our daily lives can put a low-income family’s stability in jeopardy. For example, when forced to miss work due to a court date or sick child, many low-wage workers lack the employment benefits that would allow for paid time off so the missed work results in them losing their jobs entirely. Workers at the low end of the wage scale lack the protections that middle-class and high-wage earners enjoy: sick and vacation time, unemployment insurance, short and long-term disability payments, and maternity/paternity leave, just to name a few. Simply put, workers who need these protections the most are the least likely to have them.

The strategies below are focused on creating or improving the ‘safety net’ so that families and individuals in poverty can reach a plateau of stability that does not put them in immediate danger of falling back into the cycle of crises.
STRATEGIES:

- Ensure that local and state policymakers, along with partners in the private sector, recognize, promote and implement the right to housing for all.
  - See: [ABA Right to Housing Resolution 117](#)

- Encourage employers to consider extending employment benefits to low-wage workers that are most in danger of losing employment due to a family crisis.
  - For example: stable schedules, paid leave/time off, childcare, employer paid dependent care funds, family leave, life skills education

- Encourage local and state policymakers to consider providing low-income heads of households with the means to increase their incomes and strengthen their families.
  - For example: flexible work hours, educational opportunities, child care cost reduction/flex hours, transportation, financial aid
  - See: [The Transitional Food Stamp Benefits Program](#) of New York is an importance example of a program that helps those just above the qualifying income line (i.e. those who no longer qualify for the Supplemental Nutrition Assistance Program but are still struggling to purchase food). This program provides a family with 5 additional months of SNAP benefits after no longer qualifying for SNAP.

- Encourage state and local governments, NGOs and business community to consider establishing collaborative programs that create opportunities for low-income families to have breathing room for important life decisions by fostering the establishment of sustainable state and local community-based systems of services that ensure families have essentials like food, housing, education, economic services and mentoring.

- Encourage bar associations, state and local courts, legal services organizations and access to justice commissions to establish collaborative programs that improve access to legal resources for self-represented litigants to discuss options with a pro bono attorney at the courthouse to prevent a lack of understanding or comfort with the court process from resulting in a negative outcome.
  - For example: Many states allow for a tenant to request additional time to vacate a unit after an eviction. Most tenants do not realize that this is an option and feel like they must move immediately, which creates collateral costs related to moving expenses and replacing items lost in a quick transition.
  - See: [Center on Court Access to Justice for All](#) for additional ideas on providing legal assistance.

ISSUE: THE COMPOUNGING IMPACT OF THE COLLATERAL EFFECTS OF POVERTY

As many of us learn from our clients, it is expensive to be poor. The cost of pay day loans, check cashing, and financial penalties are steep for those least able to afford them. Many families and individuals in poverty have poor credit or outstanding financial judgments and are unable to access traditional financial services. Whether due to fear of garnishment or lacking a safety net that can be
tapped to cover unforeseen expenses, the cost of doing business with these non-traditional financial institutions is far beyond that of more traditional financial systems. The profitability of such institutions depends on fees paid by those least able to afford the above-market interest and fees. These realities create significant barriers to sustainable stability, doing more to perpetuate poverty than to resolve it.

**STRATEGIES:**

- Encourage policymakers and business community to consider adopting policies that reduce the collateral consequences of criminal and consumer credit records when individuals apply for affordable housing and adequate employment.
  - For example: “Ban-the-box” laws prevent employers from asking applicants whether they have been convicted of a felony and/or prevent employers from running criminal background check until after interviewing the job candidate. See: This [article](#) for more information

- Encourage state and local policymakers to consider limits and/or controls on Pay-day loans, Unbank, etc.
  - For example: More than twenty states have passed laws establishing interest-rate caps/other restrictions on payday lending. See: “Why We Need Serious Payday Loan Reform from the Consumer Protection Bureau”
  - See: ABA’s Resolution 111C that urges federal, state, local, territorial and tribal governments to continue to enforce and to enact rules or legislation that strengthen consumer protections regarding deceptive or fraudulent loan foreclosure rescue practices and supports programs by federal, state, local, territorial, and tribal bar associations to educate lawyers and consumers about deceptive or fraudulent foreclosure rescue practices, including those involving lawyers.

- Encourage policymakers to consider improved consumer protections under the Fair Debt Collection Practices Act (FDCPA) and ensure compliance with notice requirements related to garnishment and bank levy.

- Encourage federal, state and local governments, along with partners in the private sector, to consider establishing programs that aid in the development of each person or family’s ‘safety net’ of financial stability before removing individuals and families off government funded support systems.

**ISSUE: ADDRESSING THE WHOLE PERSON/FAMILY AND THE UNDERLYING ISSUES**

Too often, poverty-relieving strategies focus on the individual or the individual crisis and do not recognize the complex environment that creates, and perpetuates, poverty. One example of this is truancy caused by homelessness or a lack of transportation.

**STRATEGIES:**

- Encourage state and local policymakers, NGOs, business leaders, clergy and other stakeholders to collaborate to establish holistic models of service delivery that recognize the interconnected nature of issues facing those living in poverty and experiencing homelessness.
• Encourage state and local policymakers, NGOs, business leaders, clergy and other stakeholders to collaborate to correlate youth programs with the rights of youth and McKinney-Vento?

• Encourage state and local policymakers, NGOs, business leaders, clergy and other stakeholders to collaborate to establish programs that improve financial literacy of families and individuals living in poverty.

**ISSUE: STRESS CAUSED BY LACK OF FINANCIAL RESOURCES IMPEDES THE ABILITY OF LOW-INCOME MEN AND WOMEN TO OVERCOME POVERTY.**

Brain research has shown that these stresses have interfered with the development of the areas of the brain that controls executive functioning skills. These are the skills that enable individuals to manage the many decisions one has to make in order to function successfully. The result is that low income men and women deal with one crisis at a time so that other areas of their lives are not dealt with as they deal with the crisis at hand. Thus there is a need to engage these men and women in programs that help them to develop executive functioning skills.

**STRATEGIES:**

• Engage low – income men and women in programs which provide them with skills needed to help them achieve financial stability and self-sufficiency.

• Program should be designed so that men and women, with the help of mentors, develop goals to achieve self-sufficiency and receive incentives as they meet those goals.

• For example: Salvation Army’s Pathways of Hope program stresses the importance of a holistic approach to overcoming the continuous cycle of poverty by providing job training, health services, childcare, education, housing, and legal services. The program assigns each participant a caseworker who serves as a mentor and individualizes each participant’s program to suit their specific needs. The Pathways of Hope program also offers mentoring services through the Friendship Program.

• Ensure that financial coaching is offered to help men and women achieve financial literacy and a plan to save money and establish credit.

• See: Federal Deposit Insurance Corporation’s *Money Smart Financial Education Program*

• Encourage state and local policymakers to consider modifying social programs to incorporate an incentive system which rewards the men and women as they achieve small steps to reach their ultimate goal in various areas such as job-training, education, family stability and financial literacy.

**ABA POLICIES**

• **Legal Assistance to low-income residents affected by major disasters.** (August 2009) Urges federal, state and local governments to address the unmet legal needs of low-income residents of communities
affected by major disasters by action which includes providing additional emergency funding for not-for-profit legal services providers, bar associations and pro bono programs.

- **Legal Assistance to Prisoners Regarding Family Law Issues.** (February 2010) Urges bar associations and law schools to consider and expand, as appropriate, initiatives to assist criminal defendants and prisoners in avoiding undue consequences of arrest and conviction on their custodial and parental rights and urges Congress to eliminate restrictions that prohibit recipients of Legal Services Corporation funds from providing legal assistance to prisoners on family law issues.

- **The right to housing should be progressively realized.** (August 2013) “…implementing the human right to housing would not require the government to immediately build a home for each person in America or to provide housing for all free of change overnight. However, it does require more than some provision for emergency shelter, piecemeal implementation of housing affordability programs, and intermittent enforcement of non-discrimination laws…whether through public funding, market regulation, private enforcement or a combination…”

- **Strengthen consumer protections and support programs on deceptive or fraudulent foreclosure practices.** (February 2015) Urges federal, state, local, territorial and tribal governments to continue to enforce and to enact rules or legislation that strengthen consumer protections regarding deceptive or fraudulent loan foreclosure rescue practices and supports programs by federal, state, local, territorial, and tribal bar associations to educate lawyers and consumers about deceptive or fraudulent foreclosure rescue practices, including those involving lawyers.

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**Lack of Personal and Physical Safety**

Life on the street is a reality for too many. The National Alliance for the Homeless estimated that more than 500,000 people were without homes as of January 2015. For those living without the benefit of shelter, the lack of personal and physical safety is a constant reality. According to the National Coalition for the Homeless (NCH), targeted attacks against the homeless are increasing. These attacks are often brutal, and posted on, or inspired by, social media. Moreover, privately produced videos, such as the Bumfights series, encourage violence between and towards members of the homeless
population. According to the NCH, “These crimes are believed to have been motivated by the perpetrators’ biases against homeless individuals or by their ability to target homeless people with relative ease.” In addition, many youth on the street find themselves victims of exploitation, including “survival sex” and trafficking. According to the National Runaway Switchboard, homeless youth identifying as LGBT are seven times more likely than their heterosexual peers to be victims of a crime.

This lack of personal and physical safety extends to low-income Americans as well. Poor Americans are disproportionately impacted by crime. In 2008, the victimization rate for all personal crimes among individuals with family incomes of less than $15,000 was over three times the rate of individuals with family incomes of $75,000 or more. Many working poor people struggle with choosing severely cramped homes in “good neighborhoods” or more spacious homes in neighborhoods with higher crime rates. A study of 124 mothers and grandmothers in Baltimore showed that when faced with this decision, most mothers and grandmothers chose a bigger apartment in a less desirable location.

Over the years, the ABA has taken policy positions and sponsored position papers focused on the various issues involved with this topic. For example, in 1995, the ABA advocated for the “adoption of creative and comprehensive measures to address homelessness,” (Report No. 111). The Association, in its 2005 Resolution 111 urged, “Congress and the President to support the establishment of a federal affordable housing trust fund to increase the availability of affordable housing.” In 2010, the ABA passed Resolution 105B which focuses on youth homelessness. The Resolution urges the Federal Government to (1) assist local communities in establishing plans to end youth homelessness; (2) make specific recommendations for the role of federal and state governments in abating youth homelessness; (3) develop and implement model laws designed to address issues related to youth homelessness. Resolution 109B urges all governments and regulators to amend existing laws and regulations to ensure that victims of domestic violence, sexual assault, and stalking have meaningful access to safety and autonomy in their homes. Resolution 107G supports avenues for victims of human trafficking to obtain lawful immigration status, employment authorization, and public benefits, including safe housing.

**ISSUE: HATE CRIMES AGAINST THE HOMELESS**

In the last six years, violence against the homeless in the United States has increased 15%. Over the last fifteen years, there have been 1,437 reported acts of violence against homeless people and 375 of those acts were fatal. In 2013 alone there were a reported 109 attacks, eighteen of which were fatal. Many more attacks have likely occurred, but because the homeless community has been marginalized it is likely that additional attacks have gone unreported.¹⁶ More than 80% of the crimes were committed by perpetrators under the age of 30.¹⁷ These crimes are most likely motivated by bias and discrimination.

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¹⁷ Id.
against homeless people, and the ease with which they can be targeted. Further, as described by NCH, the criminalization of the status of homelessness, “sends to the general public the message: Homeless people do not matter and are not worthy of living in our city.” These areas have some of the highest level of hate crimes.

**STRATEGIES:**

- Encourage state legislatures to make “homeless” a status under hate crime legislation. Drafters can look to legislation in Alaska, California, Florida, Maine, Maryland, Puerto Rico, Rhode Island, Washington, and Washington, D.C. for guidance in creating a protected class for the homeless. The National Coalition for the Homeless has an online manual with model legislation language that can be promoted to state legislatures.

- Encourage legislation, both federal and state, declaring that housing is a basic human right. Proponents can reference **Fact Sheet No. 21: The Right to Adequate Housing** by the Office of the United Nations High Commissioner for Human Rights to learn about the international human rights law recognizing every human’s right to adequate housing.

- Provide “Know Your Rights” liaisons to law enforcement.

- Encourage state legislation to create a Homeless Bill of Rights, such as those passed in Rhode Island, Illinois, and Connecticut, to ensure that individuals are not discriminated against based on housing status.

- Educate law enforcement on homelessness issues and how to most effectively deal with homeless individuals and hate crimes against homeless individuals.

**ISSUE: HOMELESS YOUTH FALLING VICTIM TO SEXUAL TRAFFICKING**

In a study conducted by Covenant House on youth staying in its New York shelter, researchers found that Governments are urged to increase funding and amend their current laws and policies for programs under the Runaway and Homeless Youth Act in order to effectively intervene and end homelessness for those ages 12-24. Assisting local communities in establishing plans to end youth homelessness should include an increase in coordination among HUD, HHS, and the Justice system. The ABA suggests a spectrum of community based services including: outreach as a gateway to shelter, housing, prevention and early intervention to divert youth from deepening family conflict, crisis intervention, and youth housing models. (SEE the ABA policy on Runaway and Homeless Youth Act-February 2010).
almost 15% of the youth in their sample were victims of some form of trafficking. Participants told researchers that traffickers would loiter in areas where homeless youth gathered and when shelters were full.

**STRATEGIES:**

- Support and work with organizations that realize the special concerns of homeless youth.
- Collaborate with and make use of the resources of the ABA Taskforce on Human Trafficking.
- Advocate for local and state governments and NGOs to expand access to emergency housing options.
- Encourage state legislatures and attorney generals to develop a state strategy for preventing child exploitation and trafficking. The strategies can be modeled after the United States Department of Justice’s national strategy.

**ISSUE: SEXUAL EXPLOITATION OF HOMELESS YOUTH AND LOW-INCOME INDIVIDUALS**

The study conducted by Covenant House also found that in addition to the 15% of youth staying in its New York shelter that were victims of some form of trafficking, another 8% had engaged in survival sex. The participants in the study revealed that they were trading sexual activity for shelter. Further, a study surveying sexual assault victims from 1994-2010 revealed that females living in the lowest income bracket experienced rape or sexual assault at higher rates than females in other income brackets. In the period from 2005-2010, females in households earning less than $25,000 per year experienced 3.5 rape or sexual assault victimizations per 1,000 females compared to 1.9 per 1,000 households earning between $25,000 and $49,999 and 1.8 per 1,000 households earning $50,000 or more.

**STRATEGIES:**

- Encourage schools, community centers, and after school groups to offer discussions on runaway prevention. The National Runaway Safeline has a free interactive curriculum that can be used to educate youth on alternatives to running away and other unsafe behaviors.
- Collaborate with all governmental, business and community stakeholders to establish a peer-led outreach group and accessible street based and comprehensive drop-in services like the models created by the Urban Institute.  

- Collaborate with all governmental, business and community stakeholders to implement strategic planning to ensure that young people leaving the foster care or juvenile detention systems are not discharged into homelessness.

18 The Urban Institute has many additional model policies communities can implement to combat survival sex.
• Advocate for state legislatures to adopt human trafficking legislation and a system that will effectively respond to sexual exploitation of homeless youth. Proponents can look to Minnesota’s legislation as a model.

• Collaborate with all governmental, business and community stakeholders to implement model policies to end youth homelessness as outlined by the United States Department of Health and Human Services.

ISSUE: DOMESTIC VIOLENCE AND HOMELESSNESS

According to the National Coalition for the Homeless, approximately 63% of homeless women have experienced some sort of domestic violence. Often, women who are in abusive relationships have few resources and nowhere to go, which forces them to choose between living on the streets or in an abusive environment.

STRATEGIES:

• Educate communities on domestic violence. Encourage legislation and municipal policies creating more protection for victims who report incidents of domestic violence, and encourage better funding and the creation of more shelters for survivors of domestic violence. The ACLU has resources to educate communities on the relationship between domestic violence and homelessness, and possible solutions and preventative measures.

• Encourage local governmental, business and community stakeholders to develop and implement programming to provide hotel vouchers for battered women and their children when homeless shelters are filled to capacity.

• Train local shelters, health departments, churches, or other any other such institution on how to educate and assist homeless individuals in applying for grants and assistance programs like the ones available through the U.S. Department of Health and Human Services and the U.S. Department of Housing and Urban Development

• Collaborate with local school board and NGOs to provide public education in schools, learning centers, and community centers on the issues surrounding homelessness in an attempt to inform and to de-stigmatize homelessness. For example, activists can contact the Faces of Homelessness Speakers’ Bureau to schedule a panel presentation.

Lobbying Tips

✓ Organize a letter writing campaign to your local legislator, getting at least 10 participants to handwrite their support for the initiative.

✓ Schedule a meeting with a legislative aide at your legislator’s local office and voice your concerns and support for the initiative.

✓ Join forces with local homeless and civil rights organizations to raise public awareness.

-National Coalition for the Homeless
Advocate for state and federal governments to create access to adequate housing for all individuals.

Advocate for state legislatures to adopt laws that protect the housing rights of survivors of domestic and sexual violence. The National Law Center on Homelessness & Poverty created a report containing proposed and pending legislation that state legislatures can use as models to develop their own legislation.

**ISSUE: HOMELESS SUFFERING FROM MENTAL ILLNESSES**

The damaging effects of the school-to-prison pipeline include: 2 million children sent to juvenile detention every year, 70% of the students are Black or Latino, 75% are jailed for non-violent offenses, and 66% of those detained never return to school. Reform of K-12 education policies is critical to reverse the school-to-prison pipeline.

**STRATEGIES:**

- Encourage local school boards and police departments to reconsider the use of local police officers as school security to handle incidents like disrupting class that were formerly handled by school administrators.
- Collaborate with all governmental, business and community stakeholders to oppose any new legislation and reverse existing legislation that criminalizes homelessness. (SEE the ABA policy on Decriminalization of Homelessness, February 2007). The National Law Center on Homelessness & Poverty has a report highlighting the prevalence of the criminalization of homelessness and recommendations for actions to reverse the criminalization trends.
- Collaborate with all governmental, business and community stakeholders to develop a community consensus on potential reforms of Veterans’ Affairs and for programs that ensure housing to all veterans.
- Encourage widespread access to public housing for individuals who have arrest/criminal records. The Human Rights Watch has a comprehensive report on criminal records and homelessness and recommendations for legislative bodies and executive agencies.
- Advocate for the establishment of Homeless Court programs in every state, in both rural and urban areas. California has developed

The ABA partnered with the US Department of Veterans Affairs to address homelessness among veterans. The ABA developed a policy supporting the creation of Veterans Treatment Courts, creating a roadmap for jurisdictions that wish to implement these new courts, which serve as a resource to prevent homelessness among America’s veterans. (See the ABA’s Homeless Veteran’s Justice Initiative).
a Homeless Court system that can serve as a model for other states that choose to implement a similar system.

- Encourage local governmental, business and community stakeholders to develop and implement housing first and rapid rehousing programs, for example, like the models created by the National Alliance to End Homelessness.

- Encourage collaboration among all governmental, business and community stakeholders to implement widespread, barrier free and affordable access to mental health services. The U.S. Department of Health and Human Services offers information and assistance to the homelessness in need of medical assistance.

- Encourage local community stakeholders to collaborate with the NIMH Outreach Programs to provide more funding, assistance, or policy development to better reach those in the community suffering from mental illnesses.

- Encourage local community stakeholders to collaborate with the National Health Care for the Homeless Council to advocate, research, and offer treatment to homeless individuals with mental illnesses.

**ABA Policy Positions**

- **Comprehensive measures to address homelessness** ([Resolution 111, August 1995](#)) This policy supports the adoption of creative and comprehensive measures to address homelessness by eliminating illegal residential segregation, increasing the availability of affordable transitional and permanent housing and improving the accessibility of such housing to employment, schools, transportation, and human services, with such efforts to include: (1) stronger enforcement of existing laws designed to eradicate discrimination in housing; (2) affirmative plans to increase and preserve the supply of adequate affordable housing; (3) regional initiatives to provide affordable housing that is accessible to employment, schools, transportation and human services; (4) programs to integrate communities by race and income; (5) provision of incentives and rewards to encourage the planning and development of affordable housing in integrated communities; and (6) enactment of specific affordable housing laws.

- **Establishment of Federal Affordable Housing Trust Fund** ([Resolution 111, February 2005](#)) This policy urged Congress and the President to support the establishment of a federal affordable housing trust fund to increase the availability of affordable housing.

- **Support for Victims of Human Trafficking** ([Resolution 107G, February 2006](#)) This policy supports avenues for victims of human trafficking to obtain lawful immigration status, employment authorization, and public benefits, including safe housing.
• **Decriminalization of Homelessness** ([Resolution 106, February 2007](http://www.nlchp.org/documents/Theres_No_Place_Like_Home)) This policy supports the repeal of laws and policies that punish people who are homeless for living a non-criminal life or sustaining practices or acts in public places, such as eating, sitting, sleeping, or camping when no alternative private spaces are available.

• **Runaway and Homeless Youth Act** ([Resolution 105B, February 2010](http://www.1800runaway.org/runaway-prevention-curriculum-sign-up/)) This policy encourages local communities to establish plans to end youth homelessness, which include specific recommendations for the role of federal and state governments in abating youth homelessness, including implementation of model laws developed to address issues related to youth homelessness.

• **Implementation of the Human Right to Adequate Housing** ([Resolution 117, August 2013](http://www.urban.org/research/publication/surviving-streets-new-york-experiences-lgbtq-youth-ysm-and-ywsw-engaged-survival-sex)) Urges governments to promote the human right to adequate housing for all through increased funding, development and implementation of affordable housing strategies and to prevent infringement of that right.

• **Support for Victims of Domestic Violence** ([Resolution 109B, February 2015](http://mnhttf.org/site/wp-content/uploads/2014/04/Human-Trafficking-and-Youth_April-2014.pdf)) This policy urges all governments and regulators to amend existing laws and regulations to ensure that victims of domestic violence, sexual assault, and stalking have meaningful access to safety and autonomy in their homes.

**Resources**

http://www.nlchp.org/documents/Theres_No_Place_Like_Home

http://www.1800runaway.org/runaway-prevention-curriculum-sign-up/


https://www.acf.hhs.gov/sites/default/files/fysb/youth_homelessness.pdf

http://www.nimh.nih.gov/outreach/partnership-program/index.shtml


http://www.dhs.pa.gov/communitypartners/pennsylvaniacommunitysupportprogramcsp/#.VsNrEsfr_FI

http://www.hchmd.org/who-we-are
Stigma and Lack of Personal Dignity

Generally, there is a misunderstanding by the public about who is poor or homeless and the causes of poverty and homelessness. This creates a stigma that negatively impacts the poor and homeless. Stigma involves negative perceptions and social rejection of the stigmatized person. The UN Committee on Economic, Social and Cultural Rights has emphasized, “[A] person’s social and economic situation when living in poverty or being homeless may result in pervasive discrimination, stigmatization and negative stereotyping.”

Roughly half of Americans (51%) believe “lack of will” is one cause of poverty. Several studies have shown that Americans tend to attribute poverty and homelessness to individuals’ shortcomings. In surveys conducted in the 1970’s, between 80 and 90 percent of Americans surveyed believed that too many people receive welfare when they should be working. A national survey in the United States asked respondents to evaluate causes of poverty; the survey found that respondents placed more importance on poor people’s behavioral characteristics, such as lack of proper money management (59%), lack of effort (57%), lack of ability (54%), loose morals and drunkenness (50%), than on societal factors such as scarcity of jobs (29%) or poor schools (38%). Homeless people are often stigmatized more than other poor groups because “factors inherent in homelessness activate key dimensions that cause stigmatization.” Homelessness is often considered more disruptive than other forms of poverty because homeless individuals occupy public spaces and have an inability to groom and clean themselves regularly. Further, homelessness is linked to several other conditions that also carry a negative stigma including mental illness and substance abuse.

Research suggests that stigma varies along a set of dimensions. These include:
Functionality (more functional persons are more acceptable)
Aesthetics (visibly or socially acceptable appearance)
Ability to socially interact
Personal culpability (perception of person’s responsibility for their condition)
Unpredictability and dangerousness
The degree of contagion associated with various conditions

The implications of the stigma of poverty are prevalent. In communities facing significant poverty issues, there are increased tensions because of wealth disparity, profiling, decreased private contributions to nonprofit organizations, and lack of public support for tax-funded welfare programs. Furthermore, organizations providing service for issues commonly associated with poverty, such as substance abuse or mental illness, lack significant support.

ISSUE: NEGATIVE/INCORRECT PERCEPTIONS OF POVERTY AND HOMELESSNESS

As noted in a study on the stigma of homelessness, “a stigma allows one to make negative judgments based on the title a person is given rather than on any actual behavior.” The title “homeless” is socially viewed as an imperfection, and the nature of stigma speaks to the human tendency of “imput[ing] a wide range of imperfections on the basis of the original one.” This stereotyping casts homeless persons in a negative social role, and limits their self-perception, as well and the way they are perceived by others. From 1999-2013, housed individuals perpetrated 1,437 acts of violence against homeless individuals, in 47 states, Puerto Rico, and the District of Columbia, resulting in 375 deaths, though many more may have gone unreported.

STRATEGIES:

- Encourage collaboration among local governmental, business and community stakeholders to develop and implement programming that includes one or more of the following elements:

The ABA is collaborating with the Department of Veterans Affairs and the Department of Health and Human Services through its Office of Child Support Enforcement to resolve child support issues for Veterans who are homeless or at risk of being homeless. Outstanding child support obligations serve as barriers to benefits, employment, and housing. The Veterans Child Support Initiative addresses the child support issues of veterans in a manner that will allow the veteran to stay connected to ongoing rehabilitation and support services, while at the same time taking steps to meet their child support obligations. (See the ABA’s Commission on Homelessness and Poverty’s Homeless Veterans Justice Initiative).

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19 M. Deer & B. Gleeson, Urban Geography, Community Attitudes Towards the Homeless (1993)
• Allow formerly homeless individuals to serve as mentors and share their stories with individuals attempting to escape homelessness.
• Raise public awareness within the community about those experiencing poverty and homelessness.
• Have schools incorporate Service Learning Courses, where students perform public-spirited work, as a part of school curriculum. Studies show that even with limited contact, a significant number of service learning students came away from time with homeless individuals holding fewer stereotypes and expressing more nuanced perspectives of the causes and consequences of homelessness.
• Use social media, op-eds, local programming to raise public awareness about the challenges faced by people who are homeless, low income, mentally ill, or with criminal records. Personalize the issue—tell the stories of the excluded.
• Develop community-based initiatives that promote tolerance and anti-bias instruction, multicultural awareness training, hate crime/violence prevention education, and anti-bullying/harassment programs for children, parents, teachers, and school administrators.
• Increase positive communication. Provide opportunities for engagement and interaction between various groups.

ISSUE: COLLATERAL CONSEQUENCES OF THE CRIMINAL JUSTICE SYSTEM

Employment, housing, educational and entitlement programs are all impacted by an arrest or conviction. Persons convicted of felonies are disenfranchised as well. Since 2011, city-wide bans on camping in public have increased by 60%; city-wide bans on begging in public have increased by 25%; city-wide bans on loitering, loafing, and vagrancy have increased by 35%; city-wide bans on sitting or lying down in particular public places have increased by 43%; and bans on sleeping in vehicles have increased by 119%. According to the National Law Center on Homelessness & Poverty, “Not only does criminalization fail to address the root causes of homelessness, but it is actually counterproductive – it saddles homeless individuals with criminal records, making it more difficult for them to secure or maintain employment, housing, and benefits; burdens the criminal justice system; and violates

The ABA strongly supports the repeal of laws and policies that punish people who are homeless for living a non-criminal life or sustaining practices or acts in public places, such as eating, sitting, sleeping, or camping when no alternative private spaces are available. The decriminalization of homelessness can be successful if local bar associations work in cooperation with courts, lawmakers, law enforcement, advocates and service providers to revise laws and recognize the problems faced by individuals who are homeless. (SEE the ABA policy on Decriminalization of Homelessness-February 2007).
homeless individuals’ civil and human rights.” Both private landlords and public housing authorities frequently deny people with criminal convictions or even arrest records access to housing, which leaves 1 in 11 released prisoners homeless.

**STRATEGIES:**

- Encourage state and local court systems to consider alternatives to incarceration, such as counseling or restorative justice programs for individuals experiencing poverty and homelessness.

- Encourage collaboration among local community stakeholders to establish community accountability programs that seek to create mentorship initiatives.

- Encourage collaboration among local community stakeholders to establish a city sponsored “Homeless Outreach Team” composed of police officers, psychiatric clinicians, and mental health eligibility technicians.

- Encourage state and local court systems to consider providing self-help tools for individuals seeking to expunge criminal records.

- Encourage collaboration among local community stakeholders to establish local Reentry Legal Clinics that work to remove barriers to employment, housing and access to other public services for clients with a criminal record. Such a clinic, in partnership with volunteer attorneys, provides brief information and advice without any cost. Clinic cases may sometimes form the basis for class-wide advocacy as necessary to enforce anti-discrimination laws impacting previously incarcerated persons.

- Encourage collaboration among local community stakeholders to establish local community consensus to advocate for consideration of federal, state and local legislation that removes barriers to work that are based solely on prior criminal history and involvement with the criminal justice system. Examples of such innovative policies include so-called “Ban the Box” and “Fair Shot” legislation and ordinances that offer a potential worker the opportunity to be interviewed and explain prior criminal justice system involvement instead of facing automatic rejection. Such policies aim to reduce the stigma of incarceration and base employment decisions on applicants’ qualifications.

- Encourage collaboration among local community stakeholders to establish local community consensus to advocate for consideration of legislation similar to the Certificate of Restoration of Opportunities Act (“CROP”), which would remove barriers to occupational licenses for persons with a criminal history. If passed, the bill would allow a formerly incarcerated person to apply for a certificate showing that they had met the terms of their sentence. Once received, a licensing board could not deny an application based on criminal history alone.
• Encourage collaboration among local community stakeholders to establish local community consensus to advocate for consideration of a Youth Equality and Reintegration "YEAR" Act, which would abolish most of the court costs, fees and fines levied against juveniles, who, due to childhood mistakes, have little hope of paying upon their release.

• Advocate for local and state governments to decrease the amount of laws that criminalize homelessness. Encourage the adoption of a Homeless Bill of Rights.

• Encourage collaboration between local police departments and NGOs to develop training programs for police officers on how to approach calls differently—to calm people and refer them to programs and services.

ISSUE: LACK OF ACCESS TO MENTAL HEALTHCARE

Another issue that plagues those experiencing homelessness is that “many people with serious mental illness are challenged doubly. On one hand, they struggle with the symptoms and disabilities that result from the disease. On the other, they are challenged by the stereotypes and prejudice that result from misconceptions about mental illness. As a result of both, people with mental illness are robbed of the opportunities that define a quality life: good jobs, safe housing, satisfactory health care, and affiliation with a diverse group of people.”

STRATEGIES:

• Encourage local and state governments and NGOs to consider the creation of community-based mental health centers with a full continuum of services, to include case management, medication management, outpatient services, crisis services as well as various levels of residential facilities to address varying mental health care needs.

• Encourage local school boards and state governments to consider expanding school-based and home visiting mental health services.

• Encourage your local and state lawmakers to support increased funding for public mental health systems, so that individuals suffering from mental health issues do not become an undue burden on the system. See ABA Policy on Mental or Emotional Illness in Criminal Justice System.

• Encourage local and state governments and NGOs to consider improving access to clinical treatment and recovery support services for veterans and their family members.

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20 P. Corrigan & A. Watson, Understanding the Impact of Stigma on People with Mental Illness
ISSUE: STIGMA SURROUNDING STREET YOUTH

The U.S. Department of Education survey revealed that more than 1.3 million children and youth had been homeless at some point in the 2013-2014 school year, marking an increase of 3.4% from the prior academic year. Children who are homeless or in an unstable housing situation face frequent disruptions in education, which can negatively impact their development. Further, the disruption in education perpetuates the stereotype that homeless people are uneducated. Homeless children score lower than their housed peers on achievement tests and are less likely to be promoted to the next grade at the end of the school year.

STRATEGIES:

- Encourage local and state governments to provide alternatives to detention or incarceration for street youth engaged in the juvenile or criminal justice systems. See the community-based alternatives, from the Juvenile Justice Information Exchange.

- Encourage collaboration between local governmental, business and community stakeholders to create community programs that enhance mentorship of street youth, such as the Stand Up for Kids mentorship program.

- Encourage local school boards to consider whether “residency” requirements for school enrollment impose undue obstacles to those experiencing poverty or homelessness.

- Encourage local school boards to consider expanding public transportation services beyond just those residing in normal housing situations so children experiencing poverty or homelessness can get to and from school safely.

ISSUE: STIGMA CONCERNING UNDOCUMENTED STATUS

Undocumented persons can face a myriad of challenges including obtaining a decent job and housing, as well as hostility from the community based on bias and stereotyping.

STRATEGIES:

- Collaborate with all governmental, business and community stakeholders to develop a local community consensus on whether to support legislation addressing undocumented statuses.

- Provide noncitizens, who reside in the U.S. and have significant ties within their community, an opportunity to obtain lawful permanent citizenship for themselves and their family.

- Outreach programs to educate noncitizens on gaining citizenship or permanent residence status.
Reform immigration laws and policies that negatively affect those experiencing poverty and homelessness.

Allow those with significant ties to the United States the ability to remain in the United States and have an opportunity to acquire a permanent residence while they seek citizenship.

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.

- **Decriminalization of Homelessness (February 2007)** The American Bar Association opposes the enactment of, and supports the repeal of, laws and policies that punishes persons experiencing homelessness for carrying out non-criminal life-sustaining practices or acts in public spaces when no alternative private spaces are available.

- **Implementation of the Human Right to Adequate Housing (August 2013)** The American Bar Association urges governments to promote the human right to adequate housing for all through increased funding, development and implementation of affordable housing strategies and to prevent infringement of that right.

- **Mental or Emotional Illness in Criminal Justice System (February 2004)** The American Bar Association urges Congress to enact legislation that would address the complex problem presented by the large number of adults with mental illness and juveniles with mental or emotional disorders who come into contact with the criminal and juvenile justice systems. The ABA urges federal, state, local and territorial governments to: (1) increase funding for public mental health systems so that adults with mental illness and juveniles with mental or emotional disorders can obtain the support necessary to enable them to live independently in the community, and to avoid contact with the criminal and juvenile justice systems, and (2) improve their response to these adults and juveniles who come into contact with the criminal and juvenile justice systems by developing and promoting appropriate programs, policies and laws.”
• **Employment of People with Convictions** (February 2007) Urges state agencies and licensing boards to develop and enforce policy on the employment of people with convictions, including the contractors and vendors who do business with the state.

• **Opportunities for Youth in the Juvenile or Criminal Justice Systems** (February 2010) Urges federal, state, territorial and local governments to increase the opportunities of youth involved with the juvenile or criminal justice systems and to prevent the continuing discrimination against those who have been involved with these systems in the past by limiting the collateral consequences of juvenile arrests, adjudications, and convictions.

• **Discrimination on the basis of Homeless Status** (August 1986) Support legislation to (1) prohibit discrimination on the basis of transient or homeless status; (2) address the need for emergency relief to individuals and families without permanent shelter; (3) encourage public and private initiatives to increase the supply of habitable low-cost housing in the United States; and (4) adopt public policies and programs that will contribute to the ability of homeless people to become productive citizens.

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10. **Isolation from Community and Political Structure**

*Isolation from Community and Political Structure*

Lower-income Americans engage in the political process less than their wealthier counterparts. Exit data from the Wall Street Journal indicates that in the 2014 midterm elections, those making under $50,000 per year account for 48% of the population but made up only 36% of the voters. In comparison, those making over $100,000 per year accounted for only 22% of the population but account for over 30% of voters. Further, according to the United States Census Bureau, in 2012 only 8.9 million of the 14.3 million U.S. citizens with incomes under $20,000 were registered to vote and of those 8.9 million registered, only 47% of those actually voted. Comparatively, those with annual earnings of $100,000 or more turned out at rates around 80%. These numbers confirm longstanding income based voting trends: a study of 40 years of state-level data found no instance in which poorer people in general turned out in greater numbers than the rich.
Poor voters face significantly more obstacles to political participation than their wealthier counterparts. Some of these obstacles include:

- Workday voting
- Weaker civic ties
- Registration rules
- Felony disenfranchisement
- Lack of discretionary income for political contributions
- Civic groups have significantly decreased

During this same time frame, income inequality has been exacerbated and poverty has become more geographically concentrated. Between 1973 and 2000, the richest one-fifth of Americans saw their family income grow by 66.9%, while the poorest one-fifth saw their income increase by only 12.1%. In 1970, the average poor family inhabited a census tract where only 13.6% of the other families were poor. By 1990 the level of concentration of poor families in certain census tracts rose to 27.9% and by 2007 this level increased further to roughly 31%.

These statistics on the increasing concentration of poverty are particularly telling when analyzed for its impact on isolating poor neighborhoods from the political process. Two professors from the University of Minnesota examined these impacts and found that patterns of electoral participation matter because of the preferences they convey, and the way in which they make groups more or less visible to elected officials—for instance, an elected official seeking election or reelection is more likely to spend less time and resources in geographical areas of low voter turnout and instead focus constituent support and campaign resources on an area with high voter turnout. Moreover, an individual can become significantly more or less likely to participate in politics depending on interactions he or she has in families, neighborhoods, workplaces, religious organizations and community groups, thus community contexts function as force multipliers in political life. In affluent neighborhoods, the advantages flow from individual resources and are compounded for the benefit of the community. However, living in deeply disadvantaged communities both imposes harsh conditions and removes critical communities and networks that might bolster skills and opportunity for enterprising individuals. Further, Soss and Jacobs determined that in the most disadvantaged neighborhoods, the voting process is more likely to be viewed by residents as a sham.

The American Bar Association has worked for decades to promulgate policies that enhance the participation of low-income and disabled voters. In 1993, the ABA recommended that election laws, regulations and policies regarding residency determinations and the methods by which persons vote and by which voter registration is verified should not hinder or prevent registration and voting by homeless persons who are otherwise qualified to vote. The ABA also encouraged election officials to undertake active outreach efforts to inform homeless persons of voter registration and voting procedures. In 2007, the ABA urged federal, state, local, and territorial governments to improve the administration of elections to facilitate voting by all individuals with disabilities, including people with cognitive impairments that increase in frequency with age. Most recently, in 2014, the ABA urged governments
to use all appropriate means to improve enforcement of voting rights for persons with disabilities, by monitoring elections and urging officials to ensure that election personnel and volunteers receive accessibility training. See policy here.

**ISSUE: REGISTERING LOW-INCOME INDIVIDUALS TO VOTE**

Voter registration is supposed to be a fraud prevention method. Voter fraud is an ineligible vote that is counted. Unfortunately, many voter registration laws also have the effect of disenfranchising eligible voters. An estimated 222 million Americans were eligible to vote in 2012; of those eligible voters, 51 million (roughly 25%) were not registered and could not have voted except in states that allow voters to register or update their registration on Election Day.

Voter registration is especially difficult for lower-income individuals because many lack stable housing and are required to move frequently. The frequent changes in their home address often adds extra paperwork before lower-income individuals can gather required proof to demonstrate their eligibility to register. Voter registration is even more difficult for individuals experiencing homelessness because the laws in all 50 states that provide that homeless individuals with a right to vote, generally also require that homeless individuals prove that they have resided in the voting district for 30 or more days prior to election day. Because they do not have a home or other common proofs of residency, individuals experiencing homelessness are often unable to meet this ostensibly low burden of proof.

**STRATEGIES:**

- Develop and participate in outreach programs that encourage individuals experiencing homelessness list a shelter address or denote a park in lieu of a traditional home address.
- Encourage government social service agencies, NGOs and legal service offices to incorporate voter registration into intake processes. The National Voter Registration Act encourages all nongovernmental entities to register their clients. This includes homeless shelters, drop-in centers, food pantries, soup kitchens, day care centers, child welfare agencies, and community health centers. Registering people to vote during the intake process is convenient because the individual is already filling out forms and providing the necessary information to receive services. For more information, see Voting Rights: Registration Manual, You Don’t Need a Home to Vote, p. 14.

“And over time, all of this feeds on itself. As poor people in poor neighborhoods vote less, politicians become even less responsive to them, paying attention instead to the concerns of their wealthier constituencies, who vote more reliably and attend fundraisers. The better-off get money for schools and other institutions to help them develop civic skills. The worse-off just get more cause for cynicism.” –Joe Soss and Lawrence Jacobs (How the Poorest Americans Dropped Out of Politics).
• Encourage bar associations and other civic and community groups to consider incorporating voter registration drives into other outreach programs aimed at providing services to low income communities and individuals experiencing homelessness. Following best practices from successful voter registration drives in other communities, lawyers can help specifically with such voter registration efforts by volunteering to research local voting laws, including consulting with county election officials, and being available on-site to answer questions and ensure that those registering individuals are completing paperwork in compliance those laws.

• Encourage lawyers and other community stakeholders to collaborate in hosting voter registration parties where candidates, clients and staff are invited to an ice cream social or a cookout. During this party impress upon the crowd the importance of voting to bipartisan principles of representational democracy and Rule of Law and offer registration forms to those who are not registered to vote.

• Encourage community stakeholders to develop consensus on whether to advocate that state legislatures modify the burdens of proof for establishing that an individual is a resident of a particular voting district. Should the legislature reconsider how much time an individual must reside in a voting district before registering to vote?; Should the legislature provide for alternative forms of proof of residency such a homeless shelter or other support agency’s verification of support in that voting district for a period time before registration?; Should the legislature provide for an alternative to post office addresses such as a county clerk’s office, a shelter, or another common location?

• Encourage community stakeholders to develop consensus on whether to advocate that state legislatures change voting registration laws to allow same-day registration on Election Day. Of the states with voter registration laws, only 9 allowed so called “election day registration” in 2012. Election Day registration laws allow voters to register or update their registration on the day of the election and then cast a regular ballot. In 2012, the 9 jurisdictions that allowed Election Day registration had an average turnout of 71.3% compared to 58.8% in the states without Election Day registration.

• Encourage community stakeholders to develop consensus on whether to advocate that state legislatures change voting laws to allow online registration. In 2002, Arizona pioneered online registration, and in 2012, over 70% of the voter registrations in the state were performed online. By the 2012 election, 15 other states had implemented or passed legislation allowing online paperless voter registration, and as of February 2013, at least nine more states had proposed bills to adopt online registration. During the 2012 election California implemented online registration for the first time, and in the five weeks leading up to the registration deadline more than one million voters had submitted online registration applications or updates. These examples suggest that online registration is not only convenient for the voter and the state, but also a cost-effective alternative to the traditional voter registration process. In Arizona in 2010, the costs associated with a paper registration were 83 cents, while the cost of online registration was only 3 cents. Although not every eligible low-income voter will be able to benefit from online registration, many public libraries have free Internet and free computer use, and many shelters have a limited number of computers for use as well.
Encourage bar associations and other civic and community groups to consider incorporating messages that encourage young people to pre-register before they turn 18 into existing civic education and other outreach to students and youth. Research indicates that pre-registration can have a huge impact, because, “when they are registered, young people do vote.”

ISSUE: VOTER ID LAWS

Voter ID laws have been in place since the 1950s. Voter ID requirements vary from no ID required, to non-strict non-photo, to non-strict with a photo, to strict non-photo, to strict photo. In 2011, 2012, and 2013, the pace of adoption accelerated—states without ID requirements began adopting them and states that already had them began adopting stricter requirements. For the 2016 election, more states are requiring strict photo IDs than ever before. This is important because getting an ID can cost anywhere between $5 and $58.50 in states that require them. Most states do have an option to get a free ID for those who cannot afford it, but the documentation required often costs money, too.

STRATEGIES:

- Encourage community stakeholders to develop consensus on whether to advocate that state legislatures change or maintain voting laws that allow registration without strict voter ID requirements that would present financial and other barriers to otherwise eligible voters to register.
- Encourage community stakeholders to develop consensus on whether to advocate that state legislatures provide means for lower income individuals to get a free ID.

ISSUE: ACCESS TO VOTING FACILITIES

Elections are held on workdays; this can be a huge problem for an individual who gets paid by the hour with limited time off. Being ‘too busy’ or encountering transportation problems were the reasons why 28% of people making less than $20,000 did not vote in 2012. 32 states and D.C. have some form of early voting in-person. 27 states and D.C. offer “no-excuse” absentee voting, and two states, Oregon and Washington, provide voters a mail ballot to send in or drop off. In a Gallup poll one week before the 2012 election, 55% of voters in western states reported having voted early or were planning to vote early. That compares to 9% in the east.

STRATEGIES:

Advocacy Tips

- Organize a letter writing campaign to your local legislator, getting at least 10 participants to handwrite their support for the initiative.
- Schedule a meeting with a legislative aide at your legislator's local office and voice your concerns and support for the initiative.
- Join forces with local homeless and civil rights organizations to raise public awareness.

-National Coalition for the Homeless
• Collaborate with other community stakeholders to encourage local election officials to consider staying open later than normal working hours on Election Day and for later than normal hours during a period of early voting.

• Collaborate with other community stakeholders to encourage local election officials consider ensuring that at least one or more of the early voting locations are on a public transit route and heightened public transit routes on Election Day.

**ISSUE: RESTORING VOTING RIGHTS FOR EX-OFFENDERS**

The United States is one of the only democracies that does not automatically restore the right to vote to people leaving prison. An estimated 4.4 million Americans in 35 states are barred from voting even after completing their prison term and returning to their communities. 15 states and D.C. allow citizens to vote immediately upon release. The Florida Parole Commission found that ex-offenders whose civil rights were restored were three times less likely to return to prison than others in the prisoner population.

**STRATEGIES:**

• Encourage community stakeholders to develop consensus on whether to advocate that your state legislature adopt the standard already used in 15 states and many other democracies, especially for federal elections; i.e., allow and encourage citizens to register and vote after leaving prison and upon reentry into society or alternatively, allow for an individual offender to have his or her civil rights restored based on certain conditions being met.

**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 isolation from community and political structure:

*Election Law Recommendation* (August 1993) RESOLVED, That the American Bar Association supports efforts to insure that participation of homeless persons in the electoral process.

FURTHER RESOLVED, That the American Bar Association recommends that federal, state, territorial and local election laws, regulations and policies regarding residency determinations and the methods by
which persons vote and by which voter registration is verified should not hinder or prevent registration and voting by homeless persons who are otherwise qualified to vote.

FURTHER RESOLVED, That the American Bar Association recommends, and supports legislation to assure, that no voting qualification or prerequisite to voting, standard, practice or procedure, shall be imposed or applied by any state or political subdivision to deny or abridge the right to vote of any citizen who resides at or in a nontraditional abode, which shall be read to include among other things (1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); and (2) a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

FURTHER RESOLVED, That the American Bar Association encourages federal, state, territorial and local election officials to undertake active outreach efforts to inform homeless persons of voter registration and voting procedures.

Disability Voting Resolution (August 2014)

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments and the courts to ensure that the electoral process and voting methods are accessible to persons with disabilities and that polling places are free of physical, technological, and administrative barriers.

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments to use all appropriate means to improve enforcement of voting rights for persons with disabilities.

FURTHER RESOLVED, That the American Bar Association urges all election officials to ensure that election personnel and volunteers receive accessibility training and that persons with disabilities are actively encouraged to serve as election officials and volunteers.

RESOURCES:
- http://www.demos.org/blog/11/5/14/class-bias-2014-midterms
- http://www.demos.org/blog/10/30/14/how-reduce-voting-gap
TIPS ON LEGISLATIVE ADVOCACY

To lay the foundation for developing an advocacy program, The ABA Office of Governmental Affairs recommends that the community stakeholder group (a) appoint an individual or small group of individuals responsible for coordinating the group’s advocacy work; (b) establish a legislative agenda based on the policies of particular concern to the group and designate one or more of those policies for the advocacy project; and (c) develop a lobbying plan designed to advance governmental consideration and ultimately enactment or adoption of the policy. After you have identified the right people to coordinate the advocacy and the issues for your legislative priority, your next step would be to develop a lobbying plan.

Your Goal

Not every campaign or project is aimed at producing legislation. For some, the goal may be to get a hearing where diverse views can be aired and legislators can become better educated. Some are intended to support new legislation, oppose existing legislation, or offer an amendment to a larger bill. Some advocacy is targeted to achieve changes to regulations, which are sometimes simpler to attain. Each of these goals will have a distinct strategy associated with them. You will need to start with the goal clearly in mind.

Statement of the Problem and Recommended Solution

“What is the problem to which this is the solution?” is a question often ignored in unsuccessful efforts. Framing the discussion in terms of a discrete problem and effective solution is the foundation of a successful lobbying plan. Additionally, any issue selected should
be couched in terms of advancing the broadest possible legal and public policy principles: due process; fairness; humane treatment; right to counsel; fundamental privacy; or other basic constitutional rights.

**Fiscal Impact**

Many recommendations call for “new,” “full,” or “increased” funding for programs. Such a broad statement is often meaningless in the context of advocacy, as it does not help lawmakers understand the priority of the recommendation in the context of every other request they are called on to consider. Thus, this does not in itself provide a basis for establishing a lobbying plan. You will need an estimate of how much you will be asking for, as well as whether you are proposing that general revenues be appropriated or have in mind a different source of funding. You not only have to justify why the amount you request is reasonable under the circumstances, but why a lesser amount will not suffice in the current fiscal climate. Additionally, since many programs you likely support come under the same budget allocation in the Appropriations Committees, you must consider whether you risk cannibalizing your own favored programs in one area when you request increased funding in another.

Often the program being advanced is expected to bring about certain savings. For example, additional funding for representation by counsel and for community diversion programs can wind up saving high costs of incarceration (while also being fairer and more humane). Rough calculations of these cost-benefit assessments will be extremely valuable up-front; it is impossible to advocate the most principled objective without being asked: “How much will it cost and where will the money come from?”

**Timing**

A number of considerations go into determining the right timing for a lobbying effort. When you begin is as important as where you start. For example, it makes little sense to lobby for reauthorization of a program off-cycle of when it is slated to be considered or to press for additional funds after the year’s appropriations bills have been approved. Most advocacy efforts will require longer-term commitments—sometimes multiple years—depending on the issue.

**Identifying Supporters and Allies**

Few bills can be moved through complex processes without major efforts by a broad group of supporters, no matter the importance of the policy or the benefits that might be achieved by enactment. You need to ask yourselves which industries, interests, organizations, agencies, governmental, or other entities are likely to be supportive of the proposal? Support can come in many forms: shared economic interests, professional interests, common policy, or ideology. Is support based upon direct economic interest or other impact, or on policy or ideological grounds? Is there already a coalition or organization in existence that is supporting the issue in a focused, current manner? You may be better off collaborating with that existing effort than attempting to start something new that could undermine deliberations underway or concessions already made.

When a coalition exists, you will need to ask: What are the coalition’s strengths and weaknesses, and how would the advocacy effort fit in with the other groups comprising the coalition? If there is no
coalition, would it be desirable to create a coordinating organization, and might the stakeholder group serve as that entity? The political strengths and weaknesses of potential allies on an issue should be assessed, as well as how the coalition would function should possible compromises be needed to advance the issue. And what are the goals of the coalition? At what point do your interests diverge from the coalition’s? Often, a coalition will pursue a different course midstream than the one to which you aligned yourself; how do you know when it is time to part ways, preserving your own expert voice and focus?

**Identifying your Opponents**

It is generally easier to defeat a legislative proposal than to obtain enactment. Thus, an analysis similar to the one described above should be undertaken with regard to our likely opponents. Which industries, interests, organizations, agencies, government entities, and the like are likely to oppose the proposal? Is their opposition based upon direct economic interest or other impact, or on policy or ideological grounds? Is there already a coalition or organization in existence that is opposing the issue in a focused, current manner? What are its strengths and weaknesses? Could your group seek common ground with any of these groups, and are there opportunities to achieve your goals through compromises that would gain additional substantial supporters or neutralize opposition?

**Responses to Opposition Arguments, Activities**

What are likely to be the most effective arguments or activities of opponents to the policy, and might there be any way to anticipate and counter or undermine opposition arguments or activities early in the process? Would additional information that might be obtained through surveys, research, collection of empirical data, or other approaches be helpful in advancing the group's interest and countering or responding to opposition arguments?

**Relevance of the Judiciary**

If the policy affects the courts—potentially, for example, leading to increased litigation, or changes in standards or rules to be used by the courts—then determining if the courts and/or state or local bar have taken a position will be important. Support by individual judges might also be valuable on issues relating to access to justice or due process. Assessment of the impact on and role of the judiciary—both in obtaining enactment of the legislation and in implementing it—should be part of the lobbying plan. If the issue implicates state courts, then you should coordinate efforts with the Conference of Chief Justices and the National Center on State Courts, as well as with state bar organizations. If concern or opposition from the judiciary might be anticipated, this should be confronted and addressed at the outset.

**Academic and Think-Tank Positions**

Academics and participants in think tanks often are important sources of data that can be used to support (or oppose) policy proposals. You should understand the literature on the subject of the
policy, identify its strengths and weaknesses, prepare responses to opposing materials, and see whether gaps can be filled before final legislative action.

**Mapping the Political Landscape**

With the groundwork completed through the assessments suggested in the above sections, it is time to plot a legislative strategy to advance a policy proposal that calls for action. It is always useful to engage allies in this process, both to ensure that planning is informed by diverse perspectives and to prevent competing efforts that might dissipate energies and prove counterproductive.

Knowing how the political landscape relates to the issue is essential. What is the legislative history of the issue; where were the impediments to enactment in the past? Which committees have jurisdiction; how can overlapping or competing jurisdictional claims be addressed? Who have been the past leaders, supporters, opponents? Only with a firm grip on history can we hope to develop a successful road forward.

A key step in launching a new issue is to identify potential key supporters, most importantly lead sponsors for the measure – focusing first on majority party members of the relevant committees, but always looking to secure bipartisan support. Voting records, speeches, relevant past positions, and discussions with staff all provide a foundation for selecting leaders for the issue. Other supporters must be identified and a legislative package developed with the participation of supporters. In some cases the plan will be to have free-standing legislation introduced and moved as a separate bill or part of a package. In some cases, it will be introduced and then only later added as a rider at the opportune time. In other cases, it will be developed but not introduced, and can later be added as an amendment when a relevant bill starts to move. Assessments relating to timing, issue leadership, opponents, costs, and the like will all inform these decisions.

**State-Oriented Advocacy**

All politics is local, and it is obviously not practical to develop lobbying plans for 50 states given that each state presents unique challenges. Hence, at the state level it is even more important to seek the guidance and harness the advocacy assistance of state and local bar allies. State and many local bars are the respected legal authority on issues for state legislatures, and their guidance will often be sought by state policymakers. The ABA can make introductions or clear the way for your state-level advocacy.

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Direct Lobbying, Grassroots Activities, Media and Communications

Advancing an issue will require some combination of direct lobbying, possible grassroots and media-related efforts, and coordinated efforts by your allies. It is critical to develop the appropriate messages, determine timing, and synchronize lobbying efforts. Constituent-based grassroots advocacy is widely considered to be one of the most effective advocacy strategies. Legislators and their staffs consistently indicate that hearing from a constituent influenced their decision-making more than any other advocacy strategy. Grassroots advocacy is most effective when it is part of a structured, coordinated, and unified effort.

Using ABA Policy in State and Local Advocacy Efforts

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 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 at http://www.americanbar.org/groups/public_services/homelessness_poverty/ABAPolicyPositions.html, 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 at http://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy.html.

While ABA policy statements are useful tools for developing local initiatives, engaging the support of state and local bar associations is an effective mechanism for galvanizing political support. Advocacy by state and local bar leaders—in their roles as local community leaders, lawyers and constituents—are an integral part of successful lobbying efforts. Local ABA members (who are typically active in state and local bar activities) as well as the Commission can also play a role in facilitating coordination and making introductions to state and local bar leaders.

Taking Action!

Tips on Telephoning a Legislator
A telephone call is one of the most widely used methods of communicating with a legislator's office. To find the phone number for your state legislator, visit the Find Your Legislator section of the ABA website. Remember that a staff member, not the legislator, takes telephone calls. Ask to speak with the staff member who handles the issue about which you wish to comment. After identifying yourself as a constituent, tell the staff member you would like to leave a brief message, such as: "Please tell Senator/Representative (last name) that I support/oppose (issue or bill number)." You may also want to state the reasons for your support or opposition to the bill. Ask for your Senator's or Representative's position on the issue or bill. You may also request a written response to your call. Always be polite and courteous.

Tips on E-mailing or Writing to a Legislator
An e-mail or letter is one of the more widely used methods of communicating with a legislator's office. Writing a letter gives you, as a constituent, the opportunity to express and defend your position on an issue. It is very important to include your street address in the correspondence as this is the only way a legislator has of knowing that you are a constituent. In some instances, e-mails without street addresses may not receive a response. Your message will be most effective if you follow a few simple guidelines:

- State your purpose for writing in the first line or first paragraph of the message. If your message pertains to a specific piece of legislation, identify it accordingly.
CONCLUSION

Through this initiative, the ABA Commission on Homelessness and Poverty identified, promoted and implemented best practices for eliminating legal and justice system-related policies, practices and procedures, including those tainted by structural racialization and other forms of bias, that perpetuate or worsen the harmful effects of poverty and discrimination on individuals, families and households, including barriers to individual and community well-being, personal and physical safety, food security, health care, education, employment at a living wage, safe, stable and affordable housing, meaningful political participation and access to justice. We encourage the replication of this initiative and the wide dissemination of this Toolkit for Communities to Develop and Operationalize Local Anti-Poverty Agendas with its 10 Blueprints for Action. If you would like additional information or technical assistance, please visit our Collaborate to Advocate: Lawyers and Communities Working to End Poverty website or contact us at homeless@americanbar.org.
ABOUT THE ABA COMMISSION ON HOMELESSNESS & POVERTY

The Commission on Homelessness and Poverty consists of 15 volunteer Members and Special Advisors who are appointed to serve one year terms by the ABA president-elect, dozens of Liaisons from other ABA, NGO and governmental entities and DC-based professional staff. The Commission is committed to educating the bar and the public about homelessness and poverty and the ways in which the legal community and advocates can assist those in need. To achieve this goal, the Commission drafts publications and conducts training sessions across the country to equip the legal community to advocate on behalf of people who are homeless or poor. The Commission also coordinates with national, state and local advocates and organizations to facilitate the exchange of information and resources.

The Commission also provides policy-based advocacy on behalf of homeless and impoverished people. Through the ABA Governmental Affairs Office, the Commission works with Congress to develop and fund programs that will address the causes of homelessness and poverty in the United States, as well as to enact laws that will protect and provide for those in desperate need of assistance. We invite you to connect and collaborate with us. Please visit our website to learn more.