

HOMELESS ADVOCACY

Homeless Advocacy

Laura Riley

Director of the Clinical Program

University of California, Berkeley, School of Law



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About the Author

Laura Riley is Director of the Clinical Program at University of California, Berkeley School of Law. Previously, she was Associate Professor of Lawyering Skills at the University of Southern California Gould School of Law where she taught a veteran's law practicum in which students assisted veterans, many of whom were unhoused, with discharge upgrades. Previously, she directed the experiential learning program and oversaw externships at Gould. Before joining Gould, Laura Riley practiced public interest law in Los Angeles working in the disability rights, gender justice, health, and veterans law fields. She has published many consumer and legal articles, including a Rutter Guide chapter on disability rights discrimination, a textbook chapter on Fetal Alcohol Spectrum disorders, and two amicus briefs to the United States Supreme Court. With two small children, she has no hobbies to speak of, but on occasion enjoys making hot sauce, practicing yoga, and spending time in the high desert.

About the Contributors

Maria Foscarinis has advocated for solutions to homelessness in the United States since 1985. She is a primary architect of the landmark McKinney-Vento Act, the first major federal legislation addressing homelessness, and has led groundbreaking litigation to secure the legal rights of homeless persons. Ms. Foscarinis has published dozens of articles, book chapters, and opinion pieces; lectured widely; and been frequently quoted in the media. In 1989, Ms. Foscarinis founded the National Homelessness Law Center (formerly known as the National Law Center on Homelessness & Poverty) and served as Executive Director until March 2021. She is a graduate of Columbia Law School, where she holds an adjunct appointment, teaching homelessness law and policy. In 2019, she was named a “Human Rights Hero” by the American Bar Association’s Human Rights Magazine. In 2021, she was a Rockefeller Foundation Practitioner Resident in Bellagio, Italy.

James Gilliam is Director of Career Development and Public Interest Programs at Western State College of Law and is an Adjunct Professor at Loyola Law School in Los Angeles, where he teaches a homeless rights advocacy practicum he designed. Previously, he led homeless prevention and legal services at the Los Angeles Homeless Services Authority (LAHSA). He is the founding director emeritus for the Lawyers Preventing and Ending Homelessness Project, a first-of-its kind publicly funded legal services program for unhoused people. Prior, Professor Gilliam was the Deputy Executive Director for the ACLU of Southern California, where he founded and led an LGBTQ Student Rights Project. Professor Gilliam has received numerous commendations and awards

for his impactful public interest advocacy, including the National LGBT Bar Association's "Top 40 Lawyers Under 40" and the President's Award from the Lesbian and Gay Lawyers Association of Los Angeles.

Jared Edgar McKnight, Assoc. ASLA and Assoc. AIA, is a Senior Associate and Designer at WRT (Wallace Roberts & Todd, LLC), and lives in Los Angeles, California. He holds a B.Arch with Honors from the Pennsylvania State University ('11), an M.Arch from the University of Pennsylvania ('12), and a Master of Landscape Architecture + Urbanism from the University of Southern California ('21). Captivated by the landscape's potential as a system to support environmental and social resilience, Jared's design-research, funded through the Landscape Architecture Foundation, USC's Landscape Justice Initiative, and Pando Populus, focuses on policy and design interventions that challenge the structures that isolate, exclude, and oppress communities and ecosystems. His research on the criminalization of unhoused individuals in Los Angeles seeks to amplify the voices of those least represented through an empathic lens that considers those voices, and identities, that are not often heard, or designed for in our civic spaces. Jared's research has been recognized as a 2021 LAF National Olmsted Scholar Finalist and with the 2021 ASLA National Award of Excellence in Research.

Sara Rankin teaches lawyering skills and homeless rights advocacy at Seattle University School of Law. She is also the founder and Director of the Homeless Rights Advocacy Project (HRAP) in the Fred T. Korematsu Center for Law and Equality at the Seattle University School of Law. HRAP regularly releases new reports that continue its groundbreaking research into laws that unfairly target the visibly poor. She also provides pro bono assistance and consultation on a variety of legal and policy matters concerning housing instability. She consults for and learns from cities, non-profits, legal aid organizations, and other advocates across the country about progressive, non-punitive, and effective means of addressing homelessness. Aside from teaching, community service, and advocacy, Professor Rankin's scholarship also concerns the criminalization of homelessness, including *Hiding Homelessness: The Transcarceration of Homelessness*, 109 Cal. L. Rev. 559 (2021); *Civilly Criminalizing Homelessness*, 56 Harv. C.R.-C.L. L. Rev. 368 (2021); and *A Homeless Bill of Rights (Revolution)*, 45 Seton Hall L. Rev. 383 (2015); excerpt reproduced in Juliet Brodie, Clare Pastore, Ezra Rosser & Jeffrey Selbin, *Poverty Law, Policy, and Practice* (2d ed. 2021).

Nantiya Ruan is a Professor of the Practice of Law at the University of Denver Sturm College of Law and Counsel at Outten & Golden LLP, New York, NY. At Denver Law, Professor Ruan teaches first-year lawyering, poverty law, and advanced workplace law. She is the faculty director of the Workplace Law Program, as well as the Homeless Advocacy Policy Project, in which law students research and draft policy reports on the criminalization of homelessness. Professor Ruan writes in the areas of low-wage work, class and collective actions, poverty and homelessness, and social justice teaching. As part of her advocacy, Professor Ruan represents workers in national employment discrimination and wage and hour class actions.

Introduction

Equal Justice Under Law. Carved onto the marble entrance of the Supreme Court of the United States of America, these four words encapsulate the central commitment of the American judicial system. Despite this promise being set in stone, the legal and judicial systems in the United States consistently fail to uphold their vow, and today there are many groups of people for whom equal justice under law is but an aspiration. Among the most overlooked of these groups are unhoused people.¹ The temporal status of being unhoused, caused or confronted by historical systems of oppression and discrimination, is often misperceived as an identity—a stigmatized one of “homeless”—in the U.S. For the nation’s societal commitment to equal justice to mean anything, institutions of higher education must provide students the tools necessary to effectively advocate for and with these individuals to attain economic equality with dignity. This book aims to provide individual activists, students, and faculty with one such tool so they may develop expertise in advocating for and beside unhoused people.

When the nation’s founders drafted the Articles of Confederation, they specifically excluded unhoused people from the privileges and immunities of

1. In this book, the term “unhoused people” is used to emphasize the impermanent state of being unhoused as an unjust outcome of broken systems, as opposed to a marker or characteristic of a person. Others use the term “houseless,” “people experiencing homelessness,” while some research still refers to “the homeless.” When including quotes or citing studies, the book uses the terms of the original authors and researchers. Terms change over time; the intent in this book is to use language that recognizes the dignity of all people, particularly those who are unhoused.

citizenship. While the U.S. Constitution does not explicitly exclude unhoused people, it continued to reflect strong hostility towards poor and unhoused people, as evidenced by property requirements for enfranchisement present throughout early America. The history of advocacy for unhoused people reflects a continuous struggle to enjoin courts and legislatures in our collective mission to ensure equal justice under law.

Advocacy for unhoused people brings to the forefront the conflict between a guarantee of equal justice and the primacy of negative property rights over positive human rights in American society. Effective advocacy for unhoused people therefore requires both a deep understanding of rights in the American legal system, as well as the ability to make creative legal and policy arguments to convince courts, legislators at all levels, and others within our capitalist and democratic power structures that the current system is failing in its central mission to provide equal justice under law for unhoused people.

Unhoused people represent one of the most disadvantaged groups, legally and politically, in the United States. Not only are unhoused people extremely disadvantaged by virtue of experiencing homelessness, other historically marginalized groups in America are overrepresented within unhoused populations. Thus, homeless advocacy sits at the confluence of, and must incorporate lessons from, advocacy for nearly every disadvantaged class in America. An effective advocate must understand the legal and policy issues affecting unhoused people, and also the unique socioeconomic factors affecting different groups within the unhoused population.

This textbook has two main goals. First, to provide advocates with a broad understanding of important legal and policy issues relating to homelessness in America today. Second, to share examples of creative legal advocacy models affecting a range of individuals who are overrepresented, or experience unique issues, in the context of homelessness so that students can evolve models going forward. The textbook provides advocates with the context necessary to understand the history of homeless advocacy in the United States (Chapter 1 by Maria Foscarnis) and to effectively assist diverse communities within the unhoused population, such as youth, BIPOC and LGBTQ individuals, or veterans, with compassion and dignity (Chapter 3). By reading the textbook, advocates will be exposed to the most important issues at the intersection of law and homelessness, including the foundational principles of homeless advocacy (Chapter 2); the criminalization of homelessness (Chapter 4); prevention as primary housing solution (Chapter 5); and hurdles to housing (Chapter 6–8), of which there are many kinds, including employment bar-

riers arising from a lack of mental health treatment services, lack of access to affordable housing, shelter, and a need for legal representation. Readers will hear from advocates in the field and from those who have the experience of being unhoused. These narratives, woven throughout the book, provide a deeper understanding of how students and advocates might continue building on current models and solutions, including by reading in-depth on a current innovative initiative—Accessory Dwelling Units (Appendix, a report by Sara Rankin and Nantiya Ruan). While Chapters 5–8 present a range of ways that society can serve unhoused people by focusing on prevention programs and expanding existing interim solutions. One such current innovative initiative, Accessory Dwelling Units (ADUs), is presented through an in-depth report by Sara Rankin and Nantiya Ruan (Appendix). Having this full report on ADUs in the Appendix is a way to learn how logistics, policy, and multiple sectors can work together, and in doing so to examine what roles advocates can play in addressing homelessness.

Prospective advocates for unhoused people today face a daunting challenge, as many state and local governments across the country continue to show open hostility to the plights of unhoused people. However, this makes it even more necessary to ensure that advocates for unhoused people are equipped with the tools, both practical and theoretical, to ensure that unhoused people are afforded the same dignity, respect, and justice given to all residents of the United States. The hope is that anyone using this textbook will benefit from an effective learning aid in a collective mission to ensure the American legal and judicial system continues to make progress in its ultimate commitment: to do “Equal Justice Under Law,” particularly for those who are unhoused and at high risk for unequal treatment.

