

Appendix

State of Human Rights in the District of Columbia as a Human Rights City

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Self-Declaration of DC as a Human Rights City

Washington D.C. Human Rights City Resolution

<http://afsc.org/resource/washington-dc-human-rights-city-resolution>

A CEREMONIAL RESOLUTION IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To recognize December 10, 2008, as “Washington, DC Human Rights Day” in the District of Columbia.

WHEREAS, December 10, 2008, marks the 60th anniversary of the Universal Declaration of Human Rights;

WHEREAS, The United Nations passed resolution A/RES/62/171 proclaiming the year commencing on December 10, 2008 the international Year of Human Rights Learning;

WHEREAS, This is an opportunity to call attention to human rights violations around the world and to continue to promote the importance of educating our citizens about human rights;

WHEREAS, The District of Columbia Public Schools has partnered with the American Friends Service Committee to create courses that teach our students about human rights issues;

WHEREAS, On this day, citizens of the nation’s capital, led by individuals and organizations, affirm their commitment to human rights by declaring Washington, DC, a Human Rights City;

WHEREAS, Washington, DC being a Human Rights City makes it a model for communities around the world to witness practical ways the human rights framework can make every citizen a partner of sustainable change;

WHEREAS, A Human Rights City is one whose residents and local authorities, through on-going discussions and creative exchanges of ideas, come to understand that human rights, when widely known as a way of life, assist in identifying the issues and informs the actions in our DC communities, for meaningful, positive economic and social change;

WHEREAS, Developing Human Rights Cities is an attempt to build infrastructure for conflict prevention, human security, sustainable development, and create a place for active civic engagement at the local, national, and global level;

WHEREAS, Washington, DC will be declared the first Human Rights City in the United States;

WHEREAS, As a Human Rights City, Washington, DC will be joining other human rights cities around the world in working to provide leadership and advocacy to secure, protect, and promote human rights for all people;

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Washington, DC Human Rights Day Recognition Resolution of 2008.”

Sec. 2. The Council of the District of Columbia recognizes December 10, 2008 as “Washington, DC Human Rights Day.”

Sec. 3. This resolution shall take effect immediately upon the first date of the publication in the District of Columbia Register.

51st State Commission Establishment Act of 2010 (Source: www.dcstatehoodyeswecan.org)

Bill 18-0177 was introduced by Council Members Harry Thomas, Michael Brown, and Yvette Alexander on March 3, 2009. It was co-sponsored by Council Members Graham, Kwame Brown, Catania, Cheh,

Wells, Barry, Bowser, Mendelson and Gray. A public hearing was held on July 8, 2009 (see article entitled "July 8, 2009 Hearing on 51st State Commission Establishment Act of 2009" under Issues/D.C. Council Actions).

The full Council approved the bill on first reading on December 15, 2010 and the final reading/vote occurred on January 5, 2010. The vote was 10 in favor with three members absent (Barry, Bowser, and Cheh). The bill was transmitted to the Mayor on January 11, 2010 and he signed it on January 25, 2010.

The act was transmitted to Congress on February 1, 2010 and published in the February 5, 2010 D.C. Register (vol. 57, page 1183).

The act creates a 51st State Commission the purpose of which is to "educate regarding, advocate for, promote, and advance the proposition of, statehood for the District of Columbia" to D.C. residents and residents of the 50 states. The Commission is to "conduct a full and complete study of the necessary and appropriate legislation and administrative action" needed to make D.C. a state.

The Commission will have 28 members, who shall serve without compensation, including the District's Delegate to the House of Representatives (or his or her designee), the Mayor and Council (or their designees), D.C. statehood Congressional Delegation (or their designees), a chairman with a background in constitutional law, one member from each ward to be appointed by the ward Council member, and the Executive Director of the Washington, D.C. Historical Society. The ward members' term shall run concurrent with the Council period of the Council in which they are appointed.

The Commission shall elect a nine member Executive Board which shall include the chairman. The Commission is to "give special consideration to the relationship that should be developed to secure and maintain any special federal interest in the new state" and shall submit to Congress and the Council detailed reports with findings and recommendations within 180 days of its first meeting. The Commission shall also recommend programs and other initiatives to educate and promote statehood.

The Mayor and Council must appoint the members within 45 days of the effective date of the act. Within 90 days of the effective date of the act, the Commission must adopt rules and procedures governing its meetings and decision-making process. The Commission must hold at least 6 meetings each fiscal year and hold its initial organization meeting upon appointment of 3/4th of its members.

No budget or funding for the Commission was included in the act.

A D.C. Statehood Commission and D.C. Compact Commission had been authorized in the Statehood Initiative approved by District voters in November 1980 [and] were created as a result of the final enabling legislation, D.C. Law 3-171, as amended. In 1985, the two commissions became one. After the 1993 defeat of the D.C. statehood bill in Congress, the Commission's budget was dramatically decreased and its activities severely curtailed. It has been dormant since the mid 1990's.

Other actions on behalf of Statehood and Self-Determination taken by our elected government

Inaugural Address, January 2, 2011, Mayor Gray supported DC Statehood as our goal:

"...we cannot rest until we achieve true self-determination and become our nation's 51st state."
(Washington Post, January 2, 2011).

http://www.washingtonpost.com/blogs/post_now/post/gray-dc-council-members-block-street-in-protest/2011/04/11/AFKQHWMD_blog.html

Posted at 06:22 PM ET, 04/11/2011

Gray, D.C. Council members arrested in protest

By Ben Pershing

Updated, 6:22 p.m.: Mayor Vincent Gray, D.C. Council Chairman Kwame Brown (D) and council members Yvette M. Alexander (D-Ward 7), Tommy Wells (D-Ward 6), Muriel Bowser (D-Ward 4) and Michael A. Brown (I-At Large) have been arrested by U.S. Capitol Police officers.

Also arrested was Sekou Biddle (D), who is filling Brown's former at-large council seat on an interim basis. More than 200 protesters gathered, including local officials and activists. Police let them sit in the street for 30 minutes, then began arresting them. Protesters chanted, "No justice, no peace."

<http://www.washingtontimes.com/news/2011/oct/30/latest-statehood-campaign-reaches-beyond-city-bord/>

Latest D.C. statehood campaign reaches beyond city borders By Tom Howell Jr. Sunday, October 30, 2011 City officials are guilty of "talking to ourselves for decades" about taxation without representation, their plight for statehood or another route to voting rights in Congress, D.C. Council member David A. Catania says.

Eleanor Holmes Norton, Delegate to the House

http://www.norton.house.gov/index.php?option=com_content&task=view&id=1977&Itemid=88

Our Non-voting Delegate to the House Eleanor Holmes Norton introduced a bill for DC Statehood:

Norton's First Three Bills Challenge Congress to Give D.C. Full Citizenship Rights

January 12, 2011

WASHINGTON, DC -- Congresswoman Eleanor Holmes Norton (D-DC) today introduced three bills providing different approaches to congressional representation and full democracy for the more than 600,000 citizens of the District of Columbia who pay income and other taxes to support the federal government, but have no full voting representation in Congress. The three bills, the New Columbia Admission Act (providing for statehood), the District of Columbia Equal Representation Act (authorizing Senate and House seats), and the District of Columbia House Voting Rights Act (giving the city a House vote), have all had majority support in the city in the past and emerged from Norton's *Community Conversations*, held in all eight wards, as approaches residents continue to support.

The elimination of the city's vote in the Committee of the Whole last week by the new Republican majority, despite approval of the city's vote by the federal courts, demonstrates that consideration of any of these bills will not occur at this time. However, Norton said in her statement of introduction that these bills, all embraced by residents during different periods in the past, "lay down a marker of our determination to never relent or retreat until we have obtained each and every right to which we are entitled, whether through the frustration and anguish of the incrementalism that Congress has always forced upon us or with the full and complete set of rights, which, would be achieved through statehood." In the *Community Conversations*, residents who embraced each of these bills in the past, depending on which seemed timely and possible, continued to support these approaches. The New Columbia Admissions Act, to make the District the 51st state, New Columbia, got significant support in the House in 1993 in the only vote held by either house on statehood. However, after the city asked the federal government to take over the cost of some state functions and Republicans took control of the House, Norton moved on to introduce a bill to give the city equal voting representation in the House and Senate, introduced today as the District of Columbia Equal Representation Act. With continuing Republican control, she joined with then Representative Tom Davis (R-VA) to introduce the District of Columbia House Voting Rights Act. This bill for a vote in the House had large majorities in the House and Senate. and likely would be law now except for a dangerous gun amendment that delayed its passage.

Norton said that she was introducing these three bills at the same time to deliver a direct message to Congress of no retreat and to help continue the momentum achieved here and throughout the country during the past few years, when the D.C. House Voting Rights Act came close to passage. Norton said in her introductory statement, "We accept no imposed limit on our equal rights as American citizens, and we

will pursue them all until the day when there is no difference in citizenship between the residents of the District of Columbia and other American citizens."

Documentation can be found at:

http://dcstatehoodyeswecan.org/index.php?option=com_content&view=category&layout=blog&id=66&Itemid=137 and 119.

Documentation on budget and TANF cuts

"Three out of every five dollars cut from the budget — or 62 percent — come from human support services and other low-income programs (\$108 million). All other areas of DC's budget — except for financing — also face cuts in the proposed FY 2012 budget, but not even close to the magnitude of cuts taken in the human services in other low-income programs area" (What's in the Final FY 2012 Budget? July 5th, 2011, DCFPI; go to Ed Lazere's testimony on July 7, 2011 for an update, <http://www.dcfpi.org/testimony-of-ed-lazere-executive-director-on-the-fy-2011-second-revised-budget-request-emergency-declaration-resolution-of-2011-district-of-columbia-committee-of-the-whole>).

City limiting funding for welfare recipients

By: [Liz Farmer](#) | 11/03/11 12:14 AM The Examiner

In a city where nearly half of residents receive some type of government handout, District officials are working to find ways to get residents off welfare assistance.

More than 232,000 D.C. residents — 40 percent of the city's population — receive either food stamps, Medicaid assistance, welfare checks or some combination of the three, according to Department of Human Services Director David Berns.

Spurred by needed cuts in the city budget, D.C. has begun enforcing a cutoff date for welfare check recipients while revamping how the DHS serves those families in the transition.

Source: U.S. Census Bureau

Widening income gap				
	Median household income 2000	Income gap 2000	Median household income 2010	Income gap 2010
West of Rock Creek Park	\$78,527	\$48,862	\$104,777	\$73,028
East of Anacostia River	\$29,665	x	\$31,749	x

About 8 percent of those residents receive welfare checks from a federal program called Temporary Assistance for Needy Families, or TANF. But their eligibility only lasts five years.

“More than half of the clients we have on TANF have been on assistance for over five years,” Berns said. “We haven’t really had a community-focused way ... into moving them into self-sufficiency, so they’ve languished in the system.”

The cutoff for TANF federal funding was put in place in 1996. But jurisdictions, including D.C., were slow to enforce that and often found supplemental funding through grants or other programs. Berns said the city is now spending several million dollars annually to keep paying benefits to individuals who ran out the clock on federal assistance.

Berns said he’s revamping the welfare program so families play a larger role in creating their own recovery programs instead of the agency dictating the services.

But his idea has its detractors.

“It looks good on paper but in reality it’s not going to happen — there are no jobs for college graduates, no jobs for high school graduates, no jobs for seniors,” said Advisory Neighborhood Commissioner Sandra Seegars, a Ward 8 council candidate. “So there’s no way this group jumps up ahead of them.”

The recession also has deepened that problem. According to a Brookings Institution report released Thursday, D.C. is the only jurisdiction that has neighborhoods where 40 percent of residents live below the poverty line of \$22,350 income for a family of four.

The District’s poverty rate is 19 percent. Its neighbors, Maryland and Virginia, have rates of 10 and 11 percent, respectively.

At a presentation by Berns last week, Ward 2 Councilman Jack Evans said he was concerned the council would not actually stick to its scheduled funding cuts to welfare checks. Those cuts began this year and are designed to end assistance for long-term recipients by mid-decade. The first 20 percent cut in monthly income began in April. Another 25 percent cut is planned for next October.

“We will have to make a choice in the future to end this program for some people,” Evans said. “So we have to be prepared for that reality. And there are seven members on this council who will never vote to end.” Ifarmer@washingtonexaminer.com

Average Teen Unemployment Rate in D.C. is 50.1%, Analysis Shows

<http://cnsnews.com/news/article/average-teen-unemployment-rate-dc-501-analysis-shows-0>

Friday, August 12, 2011

By Penny Starr

(CNSNews.com) – An analysis based on U.S. Census Bureau data by the Employment Policies Institute (EPI) shows that the average unemployment rate for teens ages 16 to 19 in the District of Columbia was 50.1 percent as of June 2011. This corresponds with data from the Bureau of Labor Statistics (BLS) showing that for D.C. the annual average unemployment rate for teens in 2010 was 49.8 percent. Michael Saltsman, research fellow at EPI, provided the 50.1 percent figure to CNSNews.com as an update of an analysis he compiled based on the Census Bureau’s Current Population Survey. The 50.1 percent figure is almost double the average teen unemployment rate in June 2007 in the District, when it was 26.2 percent, according to Saltsman. Since 2007, the rate has increased each year: 29.5 percent in June 2008, 44.7 percent in 2009 and 48.8 percent in 2010, based on EPI’s analysis.

“We’re in the midst of the third summer in a row where teen unemployment has been above 20 percent,” Saltsman said when he announced his report on July 8.

The Bureau of Labor Statistics (BLS) does not keep monthly unemployment rates on teens, but its data showing the average annual unemployment rate for teens ages 16 to 19 in D.C. for 2010 was 49.8 percent. President Barack Obama delivers a statement on the monthly jobs report, Friday, July 8, 2011, in the Rose Garden of the White House in Washington. (AP Photo/Susan Walsh)

The state with the second highest unemployment in the EPI analysis, California, also closely mirrors the BLS annual average for 2010 -- 34.4 percent compared to EPI’s 34.6 percent.

The latest data from the BLS on average teen unemployment nationwide – all 50 states and the District of Columbia -- as of July 2011 was 25 percent.

“Young people are facing more competition for fewer jobs, a lingering consequence of the recession and wage mandates that have eliminated entry-level opportunities,” Saltsman said. “The consequences for this generation of young people missing out on their first job are severe, including an increased risk of earning low wages and being unemployed again in future years.”

Saltsman’s analysis, which was released on July 8, ranked the 20 states with the highest average teen unemployment through May 2011: the first column shows the actual teen unemployment rate over the teen labor force; the second column reflects the number of discouraged teen workers added to the unemployment rate (also compiled from Census Bureau data).

District of Columbia – 49.0 percent, 52.2 percent

California – 34.6 percent, 36.2 percent

Georgia – 34.6 percent, 35.7 percent

Nevada – 34.3 percent, 36.4 percent

Washington – 33.2 percent, 34.2 percent

Idaho – 31.8 percent, 33.1 percent

West Virginia – 30.2 percent, 32.9 percent

Missouri – 29.6 percent, 31.2 percent

Florida – 29.4 percent, 31.4 percent

Kentucky – 29.0 percent, 30.3 percent

South Carolina – 28.5 percent, 29.0 percent

Rhode Island – 28.0 percent, 29.6 percent

Michigan – 27.6 percent, 29.1 percent

Mississippi – 27.5 percent, 30.7 percent

Tennessee – 26.9 percent, 27.4 percent

Arizona – 26.7 percent, 28.2 percent

Arkansas – 26.7 percent, 28.2 percent

Colorado – 26.1 percent, 26.7 percent

Illinois – 26.1 percent, 27.5 percent

Oregon – 25.8 percent, 26.4 percent

Reforming First Source: Strengthening the Link Between Economic Development and Jobs

“The District’s First Source law is designed to leverage the city’s spending on contracts and projects to create more jobs for residents, but evidence shows it has been largely ineffective. A recent report by the DC Auditor concluded DC’s First Source program has been hampered by a lack of compliance and oversight, resulting in the estimated loss of hundreds of jobs and millions in revenue for the city. District leaders should take immediate steps to enforce the current law. However, a review of similar programs in other cities reveals the most successful have taken a more comprehensive approach to matching residents with employment by providing training and other skills that employers say are necessary for work. This

brief offers recommendations on how the District can improve First Source by creating a broker that coordinates First Source workforce development so that jobs created by public investment are more likely to be filled by city residents trained to take them.”

(DCFPI, March 24, 2011, <http://www.dcfpi.org/thening-the-link-between-economy>)

Key public policy recommendations from *An Affordable Continuum of Housing... Key to A Better City*. A full list of recommendations to raise the priority of affordable housing in Washington,DC can be found in **Chapter 5 - Policy Framework and Recommendations**.

Adopt Policy and Process Framework The District should adopt public policies and processes essential to providing affordable housing in the District of Columbia that will: Develop and sustain a Continuum of Affordable Housing Create and maintain Neighborhoods of Opportunity Engage a Network of Public and Private Resource Partners

Increase Local Funding The District should raise the priority level of affordable housing in its locally funded budget by dedicating \$255 million, or \$4.26 per \$100, to that purpose as recommended by the Comprehensive Housing Strategy Task Force versus the \$80 million, or \$1.33 per \$100, it currently spends.

Strengthen Locally Funded Continuum of Housing Program Tools The District should use this increased local funding to strengthen five major affordable housing program tools: Housing Production Trust Fund, Home Purchase Assistance Program, First Right Purchase Assistance Program, Local Rent Supplement Program and Housing First Fund. This paper proposes a five-year action plan for each of the program tools to reach the \$255 million level of total funding recommended by the Comprehensive Housing Strategy Task Force.

Improve Practices and Process The District should facilitate the efficient and effective use of limited public resources by improving the delivery system for affordable housing. It should: Implement the Comprehensive Housing Strategy Task Force recommendations Improve practices for financing affordable housing Increase transparency

What If Housing Were A Human Right In The U.S.?

<http://povertyandpolicy.wordpress.com/author/kathrynbaer/>

Kathryn Baer | August 29, 2011 at 7:00 am | Tags: Covenant on Economic, housing as human right, housing report card, housing rights, National Law Center on Homelessness & Poverty, NLCHP, Social and Cultural Rights | Categories: Affordable Housing, Reports | URL: <http://wp.me/pobp0-Vo>

Some time ago, I registered doubts about the political wisdom of framing homelessness as a human rights violation. I'm not ready to recant. But I can see some advantages in the framing now, thanks to a recent webinar hosted by the National Law Center on Poverty & Homelessness. The webinar focused on a new NLCHP report that uses a spin-off from the Universal Declaration on Human Rights to grade the U.S. on homelessness and housing policies at all government levels.

This spin-off I'm referring to is formally known as Comment 4. It's basically a UN committee's interpretation of the right to adequate housing.

The right was originally one element in the Universal Declaration's broader statement of a right to an adequate standard of living. It was then folded into a covenant, *i.e.*, a set of binding commitments, on economic, social and cultural rights.

Though the U.S. was one of the movers and shakers behind the Universal Declaration, it did not embrace the covenant.

President Carter signed it early in his term, but he didn't move forward to get the Senate's consent, which the Constitution requires to make any international agreement U.S. law. Probably knew it was *way* too liberal to get a majority vote.

And if it was then, it certainly is now, though NLCHP notes some recent administration statements that implicitly recognize some basic (non-binding) human rights obligations.

It makes a good case, I think, for advantages we would gain from formally recognizing housing as a human right, defined according to the international standards in Comment 4.

The first is that it would convert adequate housing from an optional policy goal -- something we may or may not spend money on -- to an obligation comparable to obligations implicit in the Bill of Rights.

NLCHP says -- and this was an important learning for me -- that recognizing a right to housing wouldn't mean that anyone and everyone could go to court and get the government to provide them with a decent house or apartment they could afford.

It would, however, commit the government to making consistent progress toward that goal -- and to eliminating policies and practices that subvert it, *e.g.*, public housing rules that ban people with criminal records.

The second advantage is that it would create a mechanism for accountability.

Advocates -- and through their efforts, the general public -- would have a common, comprehensive set of standards for assessing government housing policies and programs.

And the government would have to publicly report periodically on how it was complying with each because that's one of the things governments agree to do under the unratified covenant.

NLCHP shows what the results could be. Not good, to put it mildly.

Comment 4 lays out seven aspects of the right to housing. NLCHP splits the first -- security of tenure -- into five subparts, giving us 12 aspects in all. The U.S. gets a grade for each, based on a set of criteria applied to policies and budgets at all government levels.

Six D grades, including one D+. Two C grades, both minuses. Only one in the A range -- an A- for a subset of the criminalization of homelessness aspect. It's fully offset by the F for criminalization of homelessness overall.

Now, some of the aspects in Comment 4 make me a tad uncomfortable. For example, the security of tenure rights seem to preclude forced evictions across the board.

Surely a landlord should be able, if all else fails, to get tenants removed from an apartment they're trashing -- or just cavalierly occupying rent-free.

I would guess that NLCHP agrees since it focuses on legal protections in foreclosures and rights to legal counsel in landlord/tenant cases. No problem there for me.

In any event, one may disagree with some of the specific housing right interpretations -- and perhaps with some of the grades.

But I doubt anyone who's been reading -- or watching -- the news would fail to agree that we're doing a poor job of ensuring that everyone in this country has a decent, affordable place to live.

Or that periodic report cards like the one NLCHP has compiled are a worthwhile reminder that we should hold ourselves to higher standards than we evidently do.

Homelessness increases in D.C. area

By Annie Gowen, April 13, 2011 Washington Post

The number of homeless families in the Washington region rose nearly 10 percent during the economic downturn, according to data released Wednesday as part of the Metropolitan Washington Council of Governments' annual survey of the homeless.

One snowy night in January, surveyors went out to parks, campsites, shelters and winter hypothermia rooms for their annual "point-in-time" survey, finding 11,988 homeless people, up from 11,774 last year. Nearly a third were children and 5,315 were in families, an increase from 4,995 last year.

The number of homeless families in the Washington area has risen 9.5 percent since 2007, the survey showed. Local officials said that increase was a measure of how stressed low-income residents have become in the recession, as thousands have lost their jobs, or their homes to foreclosure.

"The poor economic conditions, coupled with the lack of affordable housing in the region, is driving more families into homelessness," said Michael Ferrell, executive director of the District's Coalition for the Homeless.

Lisette Bishins, executive director of the Carpenter's Shelter in Alexandria, said that the shelter — which has 11 rooms for families — has been full since November.

"I've got every single bed full, and we're seeing more and more families," Bishins said. "The economy is coming back, but we don't see it in our population."

Alexandria was one of four jurisdictions where homelessness increased last year — by 16 percent. The increase was 38 percent in Prince William County, 2 percent in Prince George's County and 6 percent in Montgomery County. The numbers held steady in Fairfax County and the District and fell in Arlington, Frederick and Loudoun counties.

The population of single homeless people showed an improvement over last year — surveyors tallied 6,673, down from 6,779.

Ferrell attributed the decrease to an infusion of federal stimulus money that targeted prevention and housing. In Fairfax, the overall number of homeless held steady — largely because of help from \$2.4 million in federal stimulus funds, said Bill Macmillan, a management analyst in the county's office to prevent and end homelessness. The county may continue funding about half of that amount in its next budget, Macmillan said, but the one-time federal stimulus funds will be missed.

Ferrell said that the loss of the federal funding is a "major concern" among housing advocates and that the totals could rise next year without it.

Homelessness in the area is a cause that demands attention

By Rev. Dean Snyder, December 2, 2011 Washington Post

During the 1980s, those of us who served as pastors of urban churches witnessed a rapidly growing number of people living on the streets. At the same time, it became harder to help people get help. Many of us, in our frustration, began advocating for more shelters to help get people off of the street.

In Philadelphia where I was a pastor at the time, whenever there were hearings or meetings, Roy Leeds always seemed to show up. Roy was a homeless veteran who lived in shelters.

Whenever he testified at a city council hearing or spoke at a meeting, Roy had one message. It was a message none of us wanted to hear at the time — not those of us advocating for shelter beds and not the city officials we were trying to persuade. Roy's persistent and insistent message was: "A cot is not a home." I heard him say it a hundred times.

Roy was trying to help us understand that shelters are not an adequate solution to homelessness.

According to the Department of Housing and Urban Development's latest Homelessness Assessment Report, there are 6,539 homeless people living in the District. Most are living in temporary overnight shelters. More than 2,000 are chronically homeless, meaning they have been living in shelters or on the street for more than a year or intermittently for the past three years or more.

Why is a cot in a shelter not good enough? The 100,000 Homes Campaign, which has surveyed more than 23,000 homeless people in various cities, found that more than 40 percent suffer from a life-threatening health condition and 45 percent experience mental illness.

People do not get healthier while living on cots in emergency shelters. Life is too unstable. To get better, people need stability. They need a home, no matter how small, with a lock on the door.

One of the best solutions to homelessness is permanent supportive housing, which makes supportive services available and easy to access. National studies have shown that the overwhelming majority of homeless people who move into permanent supportive housing never return to homelessness.

A year and a half ago, Washington celebrated the establishment of its 1,000th unit of permanent supportive housing. Since then, according to reports, the number of available units of permanent supportive housing has begun to decline.

As a city, we need to renew our commitment to permanent supportive housing. As Roy Leeds tried to tell us years ago: A cot is not a home.

Rev. Dean Snyder is Senior Pastor at Foundry United Methodist Church in Washington, DC.

Permanent Supportive Housing: A Cost-Effective Alternative in the District of Columbia

Posted on November 28, 2011 by Elizabeth

<http://housingforallblog.org/2011/11/permanent-supportive-housing-a-cost-effective-alternative-in-the-district-of-columbia/>

In our last “Meet the Continuum of Housing” report on Supportive Housing, we are posting a report issued by the CNHED Supportive Housing Working Group, Fall/Winter 2011. You can see the full report (with graphs!) [link on website].

Permanent supportive housing (also permanent supported housing or PSH) is a successful, cost-effective combination of affordable housing with services that helps people live more stable, productive lives. PSH is a proven, efficient way to address homelessness by helping people who face the most complex challenges, such as mental illness, chemical dependency, and HIV/AIDS, become stably housed.

Permanent Supportive Housing is cost-effective for *families* who have been homeless.

A 2010 study of several sites by the U.S. Department of Housing and Urban Development found that in D.C. the cost of PSH was \$42/day, compared with apartment-style shelter at \$83/day and congregate shelter at \$123/day.

In all four of the study sites the cost of PSH per family per day was less expensive than any other type of housing with an average cost of \$42 per day.

Permanent Supportive Housing helps to reduce municipal costs for *individuals* who have been homeless. PSH costs less than the alternatives. Across the country PSH is 53 times less expensive than hospital care and 18 times less than care in a mental hospital. PSH is only modestly more expensive than emergency shelters, but the social and human benefits far exceed those offered by traditional shelters.

Additional support for implementation of this model in the District, based on real-life experiences of Permanent Supportive Housing:

A PSH project saved \$16,282 per unit per year in medical and mental health care. A ground-breaking study in New York City found decreases in use of homeless shelters, in-patient hospitals, emergency rooms, jails and prisons among supportive housing tenants, resulting in savings of \$16,282 per unit per year. If savings were reinvested, the cost of providing PSH would be off set.

A PSH project generated savings of more than 25% in costs, or nearly \$8000 per person. A 2008 study by United Way of Rhode Island showed that PSH reduced hospital overnights, mental health overnights, alcohol/drug treatment overnights, ER visits, jail/prison overnights, an shelter overnights.

A PSH project reported a 44.6% decrease in total health costs – saving \$7,755 per person in a 2006 study of the Denver Housing First Collaborative. There was a 76% reduction in incarceration costs for the same group.

Permanent Supportive Housing not only saves money but dramatically improves outcomes and quality of life for people who have been homeless, leading to greater housing stability and satisfaction.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

William Boykin, <i>et al.</i> ,)	
)	
Homeless persons living on)	
the streets of the District of Columbia)	
)	Civil Action No. 10-1790 (PLF)
)	
PLAINTIFFS)	
vs.)	
)	
Adrian Fenty,)	
in his Individual and Official Capacities)	
1350 Pennsylvania Avenue, NW)	
Washington, DC 20004)	
)	
DEFENDANT)	

**MEMORANDUM IN SUPPORT OF
PLAINTIFFS’ MOTION FOR LEAVE TO AMEND THE COMPLAINT**

PRELIMINARY STATEMENT

In their original complaint filed on October 22, 2010, Plaintiffs alleged numerous claims arising under the Americans with Disabilities act, 42 U.S.C. §§ 12101 *et seq.*, 12131, and 12132 (“ADA”), the Fair Housing Act, 42 U.S.C. §§ 3601-3631 and 3604.01(f)(1) (“FHA”), the District of Columbia Human Rights act, D.C. Official code §§ 2-1401 *et seq.*, and 2-1402.21(a)(4) (place of residence discrimination (“DCHRA”). These claims arose from the closure of La Casa Shelter, the last low barrier shelter in Ward 1, located at 1436 Irving Street in Northwest Washington, D.C on or about October 15, 2010, seeking

injunctive relief and a declaratory judgment concerning the District's closure of the last public, low barrier shelter in Ward One just prior to hypothermia season.

In their opposition to Plaintiffs' motion to file an amended complaint, Defendant argues that Plaintiffs have no standing to sue under the FHA or the DCHRA because they have not been discriminatorily excluded from participation in shelter services. Defendant also argues that Plaintiffs have failed to show that they were disproportionately affected by the District's closure of La Casa Shelter, and that they cannot sustain a disparate treatment claim because the District intends to build housing for the homeless near the original La Casa site. Defendant also argues that a claim under the FHA cannot be sustained because Plaintiffs have failed to demonstrate that low barrier homeless shelters are "dwellings" as defined by the FHA. Plaintiffs additionally argue that former La Casa residents are not considered residents of their original community because of the District's vague promise to build housing for them in the future near the original site.

Plaintiffs seek to amend the complaint in the following ways:

a.) Plaintiffs seek to amend the complaint in light of facts detailing the comparisons between the areas in which La Casa, and other recently closed District shelters are located, with areas in which the remaining shelters operated by the District are located, and areas in which the previously reported PSH placements are located for former La Casa residents. In a broader context, plaintiffs intend to present evidence of a continual displacement of the homeless from the Northwest area of the District generally. To this end, Plaintiffs seek to amend the complaint to reflect facts detailing the racial composition of the census tracts in which the respective shelters, and the PSH placements are located along with a broader estimate that includes those neighboring areas.¹ This evidence clearly shows a disparity that relates to the denial of housing in certain parts of the city because of plaintiffs' race and/or disability either in whole or

¹ Plaintiffs' evidence, points and authorities and facts provided in Plaintiffs' Reply to Defendant's Opposition to injunctive and declaratory relief, filed December 6, 2010, is hereby incorporated by reference in its entirety

in part, *Tsombanidis v. City of West Haven*, 129 F. Supp 2d 136, 151 (D. Conn. 2001) citing *Village of Arlington Heights v. Metro Housing Development Corp.*, 429 U.S. 252, 265 (1997). In this context, the comparisons are directly relevant to an inference of discrimination. *The Tenants' Assoc. of 2922 Sherman Ave., et al., v. District of Columbia, et al.*, 444 F.3d 673 (D.C. Cir. 2006).

The evidence of racial disparity in the respective neighborhoods, combined with the District's failure to comply with the HSRA by substantially impeding plaintiffs' ability to receive vital services, and the claims that the reasons given for the closure of the only remaining District low barrier shelter in Ward 1 are pretextual, and lack factual basis or sound evidentiary support, together are more than enough to present a theory of disparate treatment to a jury. The reasons provided by the District for the removal of shelter services in Ward 1 have little, if any basis in fact. What's more, the District's vague and uncertain promises to someday return services to the Columbia Heights area provide no sound legal basis upon which Plaintiffs or this Court may rely. And for these reasons, the evidence of these nebulous promises provided by the District in defense of their actions cannot be provided any credible weight in determining whether the District stands in violation of the FHA, ADA and DCHRA. As it stands presently, no public low barrier shelters for men exist in Wards 1, 2 or 3. Rather, the remaining ones are all relegated to Ward 5 and 8, and the locations of PSH placements previously disclosed by the District for former La Casa residents are relegated to areas of the city which are predominantly Black, and which have the least Caucasian and Hispanic populations. Pl. Ex. 2, Dec. 26, 2010.

Plaintiffs amend the complaint to add additional counts alleging violation of the Homeless Services Reform Act (HSRA) due to impeding and/or interrupting the provision of mental health and other vital services previously provided to former La Casa residents, upon their displacement. Pl. Ex.2, Dec. 6, 2010; Pl. Ex. 1, Dec. 26, 2010. The Act expressly provides for a client's right to a hearing DC Code §§ 4-754.41(b)(1) and 4-754.42(d)(2)(D)(v). And, by providing a stay of the termination of shelter services pending the outcome of fair hearing proceedings, the Act implicitly provides that such

proceedings must be available in shelter termination cases. See §§ 4-754.11 and 754.41(d). The HSRA explicitly requires DHS to reinstate a client's access to the services received prior to the issuance of the order, pending the outcome of a hearing pursuant to §§ 4-754.41 and 4-754.42. DC Code § 4-754.38(e). Accord *Paschall v. District of Columbia Dep't of Health*, 871 A.2d 463 (D.C. 2005).

Plaintiffs also seek to amend the complaint to reflect evidence indicating further failures in the shelter system operated by the District. These claims which arise under the *ADA* and *FHA* reflect a growing body of evidence, some of which has only recently become apparent due to the displacement of former La Casa residents to remaining shelters which are located in far flung places in the city. See *Olmstead v. L.C.*, 119 S. Ct. 2176 (1999).

Plaintiffs will amend the complaint to include additional counts alleging that the Permanent Supportive Housing Program has failed to address the increased needs of the homeless. While promised as the sole means to alleviate any additional burdens occasioned by the closing of La Casa, the District has failed to meet the rising demands, and has undermined an infrastructure which was firmly established in the Columbia Heights/Mount Pleasant area for addressing the needs of those living on the streets and in need of mental health and other services. See Pl. Reply to Def. Opp. to motion for injunctive and declaratory relief filed 12-6-10. A recent report from the Washington Legal Clinic for the Homeless has indicated that all existing shelters are overcrowded and unable to sustain the increased demand. This has resulted in persons being turned away from shelters, forcing them to sleep on the streets in hypothermic conditions, as they waited in futility to gain access to hypothermia shelters. This crisis has affected the entire shelter system and has placed persons, including former residents of La Casa who are at risk, at greater peril.

ARGUMENT

B) Plaintiffs raise substantial claims under the ADA that are based on the ongoing harm and failures by the District. La Casa, because of the services provided and the longstanding tenure of many of its residents, is covered by the FHA.

Courts have held that the FHA does not require a dwelling to be a permanent residence. To this end, many courts have held homeless shelters are covered by the FHA. See *Turning Point v. City of Caldwell*, 74 F.3d 941 (9th Cir. 1996) (holding homeless shelter covered by FHA); *Woods v. Foster*, 884 F. Supp. 1169, 1174 (N.D. Ill. 1995) (homeless shelter for women and their children covered by FHA); *Vilegas v. Sandy Farms, Inc.*, 929 F. Supp. 1324, 1327 (D.Or. 1996) (housing for migrant farm workers covered by FHA). In consideration of this issue, courts draw a distinction between persons who expect to return to a location, as opposed to transient guests such as persons staying at a hotel. The general analysis simply considers whether a person intends to return to a location as distinguished from one of temporary sojourn or transient visit. *United States v. Hughes Memorial House*, 396 F. Supp. 544, 548-49 (W.D. Va. 1975).

The evidence of record supports the conclusion that Plaintiffs had stayed at La Casa for extended periods of time and had expected to return for future nights. The record also clearly shows that Plaintiffs and other former residents have routinely received supportive services within three blocks of La Casa. Pl. Ex. 2 filed 12-6-10; Pl. Ex. 1, Dec. 26, 2010. Defendant's argument that La Casa Shelter is somehow outside the ambit of the FHA lacks merit and any factual support.

The evidence of record shows that Plaintiffs have participated in and attempt to continue to participate in mental health and other programs established for the homeless in Columbia Heights (Herman Pedro) and nearby Mount Pleasant (Neighbors Consejo). Pl. Ex. 1, Dec. 26, 2010. The evidence also shows that Plaintiffs are now forced to choose between sleeping on the streets in the areas from which they have been displaced, or walking long distances in order to attempt to continue receiving mental health and other services provided in the Columbia Heights/Mt. Pleasant area. See Pl. Ex. 1, 2, 4 filed Dec. 6, 2010. Pl. Ex. 1, Dec. 26, 2010.

UNJUSTIFIED SEGREGATION OF PERSONS WITH DISABILITIES IS A FORM OF DISCRIMINATION UNDER OLMSTEAD

Discrimination necessarily requires uneven treatment of similarly situated individuals. According to the Supreme Court,

Congress explicitly identified unjustified segregation of persons with disabilities as a form of discrimination. (See § 12101(a)(2) (“historically society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem.”) § 12101(a)(5).

Olmstead at 588, 589. The tendency of uneven treatment is clearly evident in the District’s treatment of Plaintiffs and former La Casa residents. In this case, individuals with mental and physical disabilities have been displaced from their communities, placed in parts of town that are foreign to them, wrought with language barriers, and which areas have the least services for addressing their mental and physical disabilities, and which areas offer little or no opportunities for work or proper nourishment. Plaintiffs and former La Casa residents are indigent and must now walk for miles to reach mental health and other services crucial to their wellbeing. See Pl. Ex. 2, filed Dec. 6, 2010.

The evidence already of record, and previously admitted by the District, clearly shows that effective mental health services serving the plaintiffs have been soundly established in the Columbia Heights area from which Plaintiffs have been displaced. The District has readily admitted this in its pleadings in support of its motion to vacate a December 12, 2003 Consent Order and to dismiss action for violating the Erwin Act by failing to provide community based alternatives to institutionalizing the mentally ill. See Decl. of Stephen T. Baron, Director of DMH, at pages 9-10 in Civil Action No. 74-385 (TFH), Memorandum in support of motion to dismiss, filed Sept. 4, 2009 (Excerpts provided as Pl. Ex. 5, filed Dec. 6, 2010); see also Pl. Ex. 1, Dec. 26, 2010.

In FY 08, DMH awarded a contract to Catholic Charities at Hermano Pedro Day Program, located in the Columbia Heights area of the District, to increase services to homeless individuals. As required by Exit Criteria 13 and 16, DMH memorialized its strategy for serving the homeless and mentally ill in a plan, which was approved by both

the Court Monitor and the Dixon plaintiffs' counsel. As a result of all of these services, exit Criteria 13 and 16 relating to homeless services have been moved to inactive status.

The District's argument that La Casa shelter is somehow outside the ambit of the FHA lacks merit and any factual support. Furthermore, the displacement of former residents clearly violates the ADA for the reasons set forth above.

FUNDAMENTAL RIGHTS HAVE BEEN VIOLATED BY THE DISTRICT'S FAILURE TO PROVIDE ADEQUATE HOUSING OR SHELTER TO ITS INHABITANTS

Shelter is a basic requirement for survival. The Supreme Court protects those rights preserving life, which rights are "identified as so deeply rooted in our history and traditions, or so fundamental to our concept of ordered liberty, that they are protected by the Fourteenth amendment." *Washington V. Glucksberg*, 521 U.S. 702, 727 (1997). Sound logic dictates that such rights include the right to shelter, which one undoubtedly needs to preserve one's life. Furthermore, the Supreme Court in *Trop v. Dulles*, 356 U.S. 86, 100-102 (1958) admitted that it "has had little occasion to give precise content to the Eighth Amendment," which, according to the Court, "is not surprising"... since it must interpret existing laws within "evolving standards of decency that mark the progress of a maturing society" in guarding against subjecting an individual "to a fate of ever-increasing fear and distress," as has happened to the homeless population and plaintiffs in the instant case. The "substantive component" of due process "forbids the government to infringe certain 'fundamental' liberty interests at all... unless the infringement is narrowly tailored to serve a compelling state interest." *Reno v. Flores*, 506 U.S. 292, 302 (1993) (emphasis in original). Fundamental rights are rights that are "implicit in the concept of ordered liberty," *Palko v. Connecticut*, 302 U.S. 319, 325-36 (1937) or "deeply rooted in this Nation's history and tradition." *Flores*, 507 U.S. at 303 (internal quotations omitted). What's more, substantive rights must be considered in light of international norms and conventions that identify a human right to shelter.

THE DISTRICT'S TREATMENT OF THE HOMELESS IS IN DIRECT CONFLICT WITH THE GOALS ENVISIONED BY THE DRAFTERS OF HOMELESS SERVICES REFORM ACT ("HSRA") TO END HOMELESSNESS IN THE DISTRICT BY 2014, AND IS ALSO IN CONFLICT WITH THE DISTRICT OF COLUMBIA'S DECLARATION ISSUED IN 2008, AS A HUMAN RIGHTS CITY.

The HSRA, D.C. Code § 4-751 *et seq.*, was passed in 2005 “to reaffirm the District of Columbia’s commitment to addressing the problem of homelessness.” Homeless Services Reform Act of 2005, D.C. Law 16-35 (2005).² A stated goal of the Plan was “meeting immediate shelter and housing needs” by building new facilities and creating better shelters and supportive housing. *Id.* at 18. The Act was thus intended as an instrument to end homelessness and provide “shelter to meet the housing needs of individuals and families who are homeless.” D.C. Code § 4.753.01(b)(3)A. The HSRA included both short-term and long-term strategies to end homelessness, *e.g.* severe weather shelter, low barrier shelter, and temporary shelter and supportive housing to meet the long-term housing needs of homeless individuals and families. *Id.* § 4.753.01(4). The approaches taken by the HSRA, in particular, the inclusion of both short- and long-term strategies towards ending homelessness, parallels that of the progressive realization of the right to housing required under international human rights law. In 2008, the D.C. City Council declared D.C. a Human Rights City, declaring to use a human rights framework to “assist in identifying the issues and inform the actions in our DC communities, for meaningful, positive economic and social change,” with the ultimate purpose being the realization of goals such as “sustainable development.”

The Resolution is evidence of the District’s commitment to incorporate international human rights into its decision-making framework. Moreover, the Resolution, together with the HSRA illustrate the District’s commitment to the realization of the right to housing. A failure to incorporate an international human rights framework into the interpretation of statutes such as the HSRA would render this Declaration meaningless.

THE SUPREME COURT AND U.S. COURTS HAVE RELIED UPON INTERNATIONAL HUMAN RIGHTS NORMS IN INTERPRETING CONSTITUTIONAL PROVISIONS

² The Act was introduced as part of a plan entitled “Homeless No More: Strategic Plan for Ending Homelessness in Washington, D.C. by 2014”. *Homeless No More: A Strategy for Ending Homelessness in Washington, D.C. by 2014* (Sep. 2004), available at http://ich.dc.gov/ich/lib/ich/pdf/homeless_no_more_final_v1.pdf.

The Supreme Court has relied upon international human rights norms in interpreting constitutional provisions. For example, in *Roper v. Simmons*, in striking down capital punishment for juveniles as unconstitutional, the Supreme Court considered international law, specifically the Convention on the Rights of the Child, and the laws of other nations as “instructive” for its interpretation of the Eighth Amendment prohibition of ‘cruel and unusual punishments.’ 543 U.S. 551, 576 (2005).³

State courts have similarly relied upon international human rights law in interpreting state constitutions and statutes. In *Pauley v. Kelly*, the Supreme Court of West Virginia interpreted the State Constitution more broadly than the Federal Constitution, citing the Universal Declaration of Human Rights in support of its position that education is a fundamental right in the State Constitution.⁴ 255 S.E.2d 859, 864 (W. Va. 1979). The Ohio Court of Common Pleas, in concluding that children should not be exposed to secondhand smoke, relied partially upon the United Nations Convention on the Rights of the Child. *In re Julie Anne*. 780 N.E.2d 635, 652 (Ohio C.P. 2002). Similarly, in interpreting the California Fair Employment Practice Act to cover high blood pressure as a disability, the Supreme Court of California cited to the Universal Declaration of Human Rights. *American National Ins. Co. v. Fair Employment & Housing Com.*, 651 P.2d 1151, 1154 (Cal. 1982). U.S. courts have long been familiar with looking to international law, in particular international human rights law, to inform their constitutional and statutory interpretation.

INCORPORATION OF INTERNATIONAL HUMAN RIGHTS INTO ITS INTERPRETATION OF THE HSRA IS WARRANTED UNDER THE THIRD RESTATEMENT IN FOREIGN RELATIONS LAW

³ See also *Thompson v. Okla.*, 487 U.S. 815, 830-31 (1988) (“The conclusion that it would offend civilized standards of decency to execute a person who was less than 16 years old at the time of his or her offense is consistent with the views that have been expressed by . . . other nations that share our Anglo-American heritage, and by the leading members of the Western European community.”); *Atkins v. Virginia*, 536 U.S. 304, 317 n.21 (2002) (holding that the imposition death penalty on mentally retarded individuals was excessive punishment under the Eighth Amendment and stating further that such conclusion was supported by the opinion of the world community); *Grutter v. Bollinger*, 539 U.S. 306, 344 (2003) (Ginsburg, J., concurring) (citing the International Convention on the Elimination of All Forms of Racial Discrimination in support of the Court’s conclusion that the University of Michigan’s affirmative action program did not violate the Equal Protection Clause); *Lawrence v. Texas*, 539 U.S. 558, 577 (2003) (citing a decision from the European Court of Human Rights, in finding Texas’ anti-sodomy statute unconstitutional under the Fourteenth Amendment).

⁴ 162 W.Va. 672, 679 (1979).

Incorporation of international human rights into its interpretation of the HSRA is well warranted under the Third Restatement in Foreign Relations Law, which states “[w]here fairly possible, a United States statute is to be construed so as not to conflict with international law or with an international agreement of the United States.”⁵ The right to housing is enshrined in a number of international and regional human rights instruments, and is implicated in even more. The International Covenant on Economic, Social, and Cultural Rights (ICESCR), which states in Article 11(1) that:

The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and *housing* and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

International Covenant on Economic, Social and Cultural Rights art. 11(1) (emphasis added), Dec. 16, 1966, 993 U.N.T.S. 3, 4-5 [hereinafter ICESCR], available at <http://www2.ohchr.org/english/law/cescr.htm>

The ICESCR requires State Parties to “take steps...to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized” in the Covenant. *Id.* at art. 2(1) In order to show the progressive realization of a right, a state must show that there has been “progress over time.” Committee on Economic, Social and Cultural Rights, General Comment 1, The right to adequate housing (Sixth session, 1991) para. 7, U.N. Doc. E/1989/22, at 87 (1989), available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/38e23a6ddd6c0f4dc12563ed0051cde7?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/38e23a6ddd6c0f4dc12563ed0051cde7?Opendocument).

The U.S. must meet minimum international obligations as a signatory.⁶ Indeed, Article 18 of the Vienna Convention on the Law of Treaties, which governs the nature of obligations required of treaty signatories, states that:

A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when...it has signed the treaty or has exchanged instruments constituting the treaty

⁵Restatement (3rd) of Foreign Relations Law §114.

⁶ United Nations Treaty Collection, *Status of Treaties: International Covenant on Economic, Social and Cultural Rights*, available at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV3&chapter=4&lang=en (last visited on October 18, 2009).

subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty.⁷

Vienna Convention on the Law of Treaties art. 18(a), May 23, 1969, 1155 U.N.T.S. 31, 8 I.L.M. 679, available at http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf.

The “object and purpose” of the ICESCR is clear from its language: to ensure the progressive realization of the rights contained within the Covenant, including the right to housing.⁸ Therefore, even if one could argue that the United States may not be legally bound to take affirmative steps toward the progressive realization of the right to housing, it is clear that it cannot take actions that are *retrogressive* with regard to the progressive realization of this right, because such actions would clearly violate the object and purpose of the treaty.⁹

A NUMBER OF REGIONAL HUMAN RIGHTS INSTRUMENTS INCLUDE EXPLICIT OR IMPLICIT RIGHTS TO HOUSING

The American Declaration on the Rights and Duties of Man, which the United States is bound to respect as a member of the Organization of American States,¹⁰ states in Article XI that “[e]very person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, *housing* and medical care” American Declaration of the Rights and Duties of Man art. XI, O.A.S. Res. XXX, adopted by Ninth International Conference of American States (1948), reprinted in

⁷ While the United States has not ratified the Vienna Convention itself, it is generally recognized that the United States accepts the Convention as an expression of customary international law, which is binding on all States. *See generally* Restatement (3rd) of Foreign Relations Law (1987), Part III, Introductory Note.

⁸ Additionally, retrogressive measures have been described as “prima facie violation(s) of the Covenant.” *See* High Commissioner’s Report at *supra*. note 40, paragraph 15.

⁹ General Comment 4 and the Concluding Observations issued by the ESCR Committee are invaluable in determining the obligations of states with regard to the right to housing. First, it is clear from General Comment 4 that some obligations can be met simply by refraining from actions that would abrogate the right to housing, and policies designed to enforce these obligations should be implemented immediately. Second, both General Comment 4 and the ESCR Committee’s concluding observations explicate the fact that States are bound to take affirmative steps to ensure that the right to housing is respected, as well as formulate national strategies to combat housing shortages. They also show that not only is homelessness an issue that States must address when it is a problem, but that in addressing the issue, the homeless population should be consulted in order to establish policies that meet their needs.

¹⁰ *See* Charter of the Organization of American States, art.106, adopted Apr. 30, 1948, 119 UNTS 48, *available at* http://www.oas.org/dil/treaties_A-41_Charter_of_the_Organization_of_American_States.htm. Article 106 of the Charter provides that the “principal function” of the Inter-American Commission on Human Rights “shall be to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters.” For member states, the American Declaration defines those human rights mentioned in the Charter. As a member state of the OAS, the United States is required to respect and follow the rights protected in the American Declaration.

Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 17 (1992), available at <http://www1.umn.edu/humanrts/oasinstr/zoas2dec.htm>. Emphasis added.

The right to housing is implicit in various regional human rights instruments.¹¹ The American Convention on Human Rights states that an individual has the right to be free from arbitrary or abusive interference with his or her home.¹² States Parties are also required under the American Convention to adopt measures toward progressive realization of rights implicit in the Charter of the Organization of American States, which includes “[a]dequate housing for all sectors of the population.” Id. at art. 26; Charter of the Organization of American States, art. 34(k), adopted Apr. 30, 1948, 119 UNTS 48, available at http://www.oas.org/dil/treaties_A-41_Charter_of_the_Organization_of_American_States.htm. The American Convention has been ratified by 25 States.¹³

The United Nations High Commissioner for Human Rights (“High Commissioner”) has also addressed the minimum obligations on states with regard to the right to housing. The High Commissioner states that:

State could discharge its duties regarding the right to housing if it has complied with minimum core obligations, *including the provision of shelter for homeless people* and protection against forced eviction, and it is devoting the maximum of its available resources to ensure reasonable housing solutions, even if not everyone is ensured long-term security of tenure.¹⁴

United Nations Economic and Social Council, Item 14(g) of the Provisional Agenda, Report of the High Commissioner for Human Rights on implementation of economic, social and cultural rights, ¶ 13,

¹¹ Because the American Convention on Human Rights and European Convention for the Protection of Human Rights and Fundamental Freedoms frame housing rights with respect to freedom from interference with the enjoyment of one’s home, these instruments are particularly useful when considering procedural due process rights that are related to the right to housing. The Universal Declaration on Human Rights contains a similar provision: “No one shall be subjected to arbitrary interference with his privacy, family, home... Everyone has the right to the protection of the law against such interference or attacks.” Supra fn 25, at Art. 12. For European Court of Human Rights Jurisprudence on the issue, see infra fn 40.

¹² American Convention on Human Rights art. 11, O.A.S.Treaty Series No. 36, 1144 U.N.T.S. 123,, *reprinted in* Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992), available at <http://www1.umn.edu/humanrts/oasinstr/zoas3con.htm> (last visited on October 18, 2009).

¹³ Organization of American States, Department of International Law, *American Convention on Human Rights: General Information on the Treaty*, available at <http://www.oas.org/juridico/english/sigs/b-32.html>.

¹⁴ *Id.* (emphasis added.)

U.N. Doc. E/2009/90 (2009), *available at* <http://daccess-ods.un.org/TMP/6484581.html>.

The High Commissioner's inclusion of providing shelter for homeless people as a minimum core obligation affirms that this obligation is widely accepted within the international legal framework.¹⁵

Since the right to housing is widely recognized within the corpus of international human rights law, to give meaning to its Declaration of being a Human Rights City, the District must consider the international human rights framework as persuasive authority and incorporate it into its statutory interpretation. This honorable Court should interpret the HSRA in conformity with international human rights standards. Therefore, at the very minimum, the District is obliged to refrain from preventing or impairing access to shelter, and these programs must be reasonably accessible to all groups within the District.

Wherefore, for the reasons stated herein along with any other reasons that may become apparent, plaintiffs move this court to grant its leave to file an amended complaint on February 24, 2011.

¹⁵ An additional domestic interpretation of the right to housing comes from the Constitutional Court of South Africa in the case of *Government of the Republic of South Africa and Others v. Grootboom and Others*, where the government eventually made an agreement with the entire community to provide temporary shelter until permanent housing was available through existing programs, but the agreement was breached, however, and the case was brought to the Constitutional Court.¹⁵

The Constitutional Court was clearly influenced by international human rights standards, especially ESCR Committee General Comments.^{15,15} The Constitutional Court noted that the right to housing "at the very least, a negative obligation placed upon the state and all other entities and persons to desist from preventing or impairing the right of access to adequate housing" and reached the conclusion that the right to housing enshrined in the South African Constitution requires the establishment of a housing program that is "reasonably and appropriately implemented" and that the South African Constitution "obliges the state to act positively to ameliorate these conditions... provide access to housing...to those unable to support themselves and their dependants." *Government of the Republic of South Africa and Others v. Grootboom and Others*, 2000(11) BCLR 1169 (CC), para 34, 82, 93, available at [http://www.escr-net.org/usr_doc/Grootboom_Judgment_Full_Text_\(CC\).pdf](http://www.escr-net.org/usr_doc/Grootboom_Judgment_Full_Text_(CC).pdf).

The Supreme Court of British Columbia in Canada came to a similar decision in *Victoria v. Adams*. The case involved City Bylaws prohibiting individuals from "taking up temporary abode overnight in public parks," under which a civil injunction was brought against a group of homeless individuals who had set up a tent city in a city park. *Victoria v. Adams*, 2008 BCSC 1363, para 8-9, available at <http://www.courts.gov.bc.ca/Jdb-txt/SC/08/13/2008BCSC1363.htm>. The Court used international human rights standards to aid in the interpretation of the meaning and scope of rights contained within the Canadian Charter of Rights and Freedoms. *Id.* at para 100. After noting that due to an insufficient number of shelter beds, many homeless people are faced with no other option but to sleep on the street, the presiding judge came to the following conclusion:

(T)he effect of the prohibition is to impose upon those homeless persons...significant and potentially severe additional health risks. In addition, sleep and shelter are necessary preconditions to any kind of security, liberty or human flourishing. I have concluded that the prohibition on taking a temporary abode contained in the Bylaws and operational policy constitutes an interference with the life, liberty and security of the person of these homeless people.

Id. at para 5.

February 24, 2011

Respectfully submitted,

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Note: The research and compilation of international housing rights law was done by 2 former law students at American University, Mahsa Maleki and Eric Leveridge (who worked under the supervision of Meetal Jain (former American University professor at their Human Rights Clinic)).

Criminalization Measures [homelessness] Violate Human Rights Norms

<http://www.nationalhomeless.org/publications/crimreport/humanrights.html>

While laws and practices that criminalize homelessness may violate domestic constitutional law, these measures also may violate international human rights law.

I. Using International Human Rights Law in the U.S.

The United States has signed international human rights agreements, many of which prohibit actions that target homeless people living in public spaces. Although the U.S. had signed and/or ratified several human rights treaties that would prohibit actions that criminalize homelessness, those treaties are not directly enforceable in U.S. courts (i.e., “self-executing”). However, once a country has signed an international treaty, it is obligated not to pass laws that would “defeat the object and purpose of [the] treaty.”_ Even if a treaty is not directly enforceable in domestic courts, international human rights treaties can be used persuasively to support legal arguments based on domestic law. For example, if the domestic law is ambiguous on a certain topic, courts can turn to international law for guidance.

II. Provisions in International Law to Support Combating Criminalization

The U.S. Supreme Court has not ruled explicitly to protect the right to intrastate travel. However, the right to movement has been established in international human rights documents, and has been considered customary international law by both scholars and domestic courts. The International Covenant on Civil and Political Rights (ICCPR), a treaty signed and ratified by the U.S. (though not self-executing), contains provisions that protect the right to movement. The Human Rights Committee (“HRC”), which oversees the ICCPR, states that the right to movement and the freedom to choose your own residence are important rights that should only be breached by the least intrusive means necessary to keep public order._ Many laws that target homeless people living in public spaces interfere with their right to freedom of movement, by either keeping them out of certain areas in a city or forcing them to move to other spaces involuntarily. In addition, the majority of international human rights agreements have non-discrimination clauses. The ICCPR protects “equal protection of the law” and prohibits discrimination based on a variety of statuses. The United States participated in the 1996 Second United Nations Conference on Human Settlements and is signatory to the Habitat Agenda, which states that no one should be “penalized for their status.”_ Laws that criminalize panhandling or performing life-sustaining activities in public, such as sleeping and sitting,

target homeless people based on their economic and housing status. Other laws that are more neutral, such as loitering or public intoxication laws, are frequently applied in a discriminatory manner against homeless persons.

Forced evictions have long been contrary to international human rights agreements, and the United Nations repeatedly has emphasized the importance of a person's security of tenure in his or her land and home in raising his or her standard of living. In addressing the issue of forced evictions, the Habitat Agenda explicitly prohibits punishment of homeless persons based on their status. Though the Habitat Agenda is non-binding, the U.S. publicly committed to stand behind its principles by signing the document. However, many cities across the country conduct "sweeps" that remove people from outdoor encampments without notice or relocation to other housing. These city actions are a form of forced evictions, contrary to international human rights principles.

The United States has continued to shield itself from direct enforcement of international human rights treaties, yet it continues to be a consenting party when they are drafted. Many of the rights found in these treaties are not explicitly dealt with in United States law, making the treaties useful to support domestic legal arguments. Because the criminalization of homelessness violates many rights protected by international law, advocates can use such law as a framework within which to fight criminalization.

<http://www.nationalhomeless.org/publications/crimreport/humanrights.html> - [ftnref1](#)The Vienna Convention on the Law of Treaties, May 23, 1969, art. 18(a), 1155 U.N.T.S 331.

<http://www.nationalhomeless.org/publications/crimreport/humanrights.html> - [ftnref2](#)For more information about the status of the human right to housing in the U.S. see NLCHP, Homelessness in the United States and the Human Right to Housing (2004); Maria Foscarinis, et al., The Human Right to Housing, Making the Case in U.S. Advocacy, 38 Clearinghouse Review 97 (2004); Maria Foscarinis, Homelessness and Human Rights: Towards an Integrated Strategy, 19 St. Louis U. Public Law Review 317 (2000).

<http://www.nationalhomeless.org/publications/crimreport/humanrights.html> - [ftnref3](#)Human Rights Committee, General Comment 27, Freedom of movement (Art.12), U.N. Doc CCPR/C/21/Rev.1/Add.9 (1999).

<http://www.nationalhomeless.org/publications/crimreport/humanrights.html> - [ftnref4](#)The United Nations Conference on Human Settlements, Istanbul, June 3-4, 1996, ¶ 61(b), U.N. Doc. A/CONF.165/14 (1996), U.N. Doc. A/CONF.165/14. This comment is made in the context of forced evictions.

A Capitol offence: homelessness in DC

<http://www.guardian.co.uk/commentisfree/cifamerica/2011/may/16/homelessness-washington-dc>

Washington's political class prospers, but as budget cuts bite, what it means to be a have-not in the capital is starker than ever.

- [James Ridgeway](#)
- Monday 16 May 2011 13.00 EDT



A monument to Reagan's cuts in social welfare programmes: a homeless man in Washington, December 2008. Photograph: Jim Young/Reuters

Whatever Ronald Reagan had in mind for the shining city on the hill, it could not have been Washington. His lasting legacy to the capital city has been to make permanent an encampment of homeless people. There always have been poor here, living in sharp contrast to the well-to-do political world of the city. But the homeless, during DC's recent history, appeared with Reagan's inauguration in 1981. They are testament to the first wave of conservative cuts in social welfare programmes, which, among other things, resulted in Reagan's famed "welfare queens", along with the supposed malingerers who turned out to be mentally ill, being forced onto the street.

Administrations have come and gone but the homeless have become a permanent fixture in the city's life – a reminder that the conservative era launched by Reagan has little in common with Roosevelt's New Deal. There are now some 16,000 people who live on the streets of Washington in any one year, with at least 1,000 families among them. This city of 600,000, which considers itself progressive, young and hip, and where whites have now replaced blacks as a majority of the city's inhabitants, has sought to help homeless people with shelters, social programmes and housing. But there is not enough low-cost housing to make a serious dent.

Now, the new mayor, Vincent Gray, like officials elsewhere in the nation, has been faced with the hard choice of either increasing taxes or cutting the municipal budget. And as elsewhere, he has chosen to cut – and those cuts come down on the poor. Gray projects a need to pare \$322m from the city's budget. That leaves a shortfall of \$20.5m for homeless services in fiscal year 2012.

"Families with small children – even newborns – are being denied shelter," Eric Sheptock, himself homeless and one of that community's most articulate spokespeople, wrote in a recent email to his

homeless supporters. He added: "A mother who gave birth on 10 February 2011 and left the hospital on the 12 February ended up sleeping in the Greyhound Station and in the stairwell of an unsecured apartment for the whole first month of the baby's life."

At a hearing last week, Tanika Gyant, a homeless mother of three, said her family lived in a car before the city finally put her in a motel room. She has diabetes. In the car, the family had no way to heat food. But Gyant is one of the lucky ones. She eventually did find a job. In testifying last week before a city council committee, Gyant recalled how in her despair she tried to "make it like an adventure [for her children], so they didn't feel like Mommy was feeling." And then in a very soft voice in a room that had grown still, she said, "I plead with you to help families like mine in seasons other than hypothermia season."

Hypothermia season? What that means is that the city will turn the homeless into the streets and have them live there until the weather turns cold, and then, when they are facing temperatures at freezing point or below, the authorities will try to bring them into some sort of shelter. That's the beginning of "hypothermia season".¹ And all this just blocks from the FDR memorial with its sculptured replicas of the breadlines in the 1930s.

"This is the devastation of the homeless programmes of the District [of Columbia]," said Jim Graham, chairman of the council's human services committee after he heard Gyant's testimony, "Little babies in stairwells, bus stations and cars."

As it stands presently, some 500 families are awaiting admittance to the DC's main family shelter at what used to be the district's general hospital. Already, DC has stopped processing admissions for new families – those not already in the system and waiting in line. Homeless families have increased in number in the district since 2007 by about 10%, according to Street Sense, a newspaper covering the homeless community, and written by a small staff along with homeless people.

One answer to the budget problem would be to increase taxes on the wealthy – many of whom have obtained their riches from the political world that dominates city life. According to the Centre for Responsive Politics, the lobbying industry alone was worth \$3.2bn in 2008. Washington's income taxes are 8.5% for those with incomes \$40,000 and up. The mayor wants to increase this slightly to 8.9% for those earning more than \$200,000 a year; but even that slight increase will leave a \$20.5m gap in homeless services.

Even this measure is not a foregone conclusion. The city council appears evenly divided on this modest increase, with representatives from prosperous areas in the north-west part of the city, including Georgetown, Cleveland Park and Capitol Hill, either arguing outright against a rise or dragging their feet. The opposing council members come from what are, historically, mostly white areas, where, as one black taxi cab driver bitterly pointed out to me, people are debating city funds for dog parks and bike lanes. A recent poll by Hart Research Associates suggests most people living in the district, rich and poor, do not oppose a tax hike. So, as Ed Lazere, executive director of the DC Fiscal Policy Institute said, the problem here "does not appear to be the residents". Political insiders are guessing that opposition comes from business interests, especially those in real estate development, who can be important campaign contributors to elected city officials. Homeless advocates want to increase taxes along lines outlined by Lazere. That would raise the tax to 9.4% for those making \$500,000 or more. As a practical matter, advocates concede there is scant chance of such a tax passing.

So, the stark symbols of Obama's Washington may turn out to be babies squalling in bus stops, and families living in cars.

Child prostitution in the District

We highlight this issue with articles by Mai Abdul Rahman

<http://www.dcreport.com/themail/2010/10-08-22.htm>

DC's Child Prostitution Rates Are Among the Highest in the Country

Mai Abdul Rahman, spotlighteducation@yahoo.com

August 22, 2010

In the past, child prostitution was limited to poor developing countries in faraway continents, but our prolonged poor economic conditions have contributed to the rise child prostitution in the US and DC in particular. Experts estimate the average number of children sexually exploited in the US is two hundred thousand,

http://www.sharedhope.org/dmst/documents/SHI%20National%20Report_without%20cover.pdf. Tens of thousands of young children are sexually exploited in the US daily,

<http://www.pbs.org/now/shows/422/index.html>. Unfortunately DC's child prostitution is among the highest in the country, and merits serious consideration by DC city officials and legislatures.

The Declaration of the World Congress Against Commercial Sexual Exploitation of Children (1996) considers child sexual exploitation a form of "slavery" and defines child prostitution: as "sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object." According to the UNICEF, children living in poverty are highly vulnerable and willingly or unwillingly engage in sexual activities to fulfill key need such as food, shelter, and to earn money to "simply survive," <http://www.unicef.org/events/yokohama/outcome.html>.

In DC, poor children are traded and sexually exploited. In 2009 the FBI rescued over 45 teenage prostitutes, some as young as thirteen, in a nationwide, three-night sweep called Operation Cross Country. Operation Cross Country took place in DC as well as other states,

<http://www.fbi.gov/pressrel/pressrel08/innocencelost062508.htm>. In 2008, the DC Human Trafficking Task Force discovered thirty-two cases of children sexually exploited by older men in DC. Child prostitution is likely to increase with the worsening economic conditions our city is facing, and the factors that lead to child prostitution get little attention from city officials and legislators. Dealing with sexually exploited children is confounding our schools' psychologists and counselors, who are ill equipped to address this alarming phenomena. I learned first hand of the rise in child prostitution rates in the 2009-2010 school year, where I encountered school counselors and psychologists perplexed by the increase in the number of students forced into prostitution to make ends meet, secure shelter, food, or transportation money.

In DC, two factors have contributed to child prostitution among school-aged children: poverty and homelessness — two problems our city has yet to come to grips with. In DC more than 23 percent of children live below the poverty line (at \$21,800 for a family of four),

<http://www.legalclinic.org/about/facts.asp>. Although DC is among the top twenty cities with the highest cost of living along with Baltimore and New York City, DC's TANF (welfare) benefits for a family of three are inadequate at \$428; Baltimore's is \$565, and New York's is \$691. Meanwhile DC's homeless rates are highest in the country. In 2009 more than sixteen thousand residents were homeless. Surprisingly many of them are employed and 37 percent of them are families with children in a city that only provides 162 units for homeless families. In addition, there are approximately three thousand stand-alone homeless children vying for 64 emergency shelter beds and 78 units of youth housing. The Washington Legal Clinic for the Homeless' 2010 survey found "homeless individuals were turned away from emergency shelter 25 times each night," <http://www.legalclinic.org/about/facts.asp>. Meanwhile studies suggest that 30 percent of homeless children living in shelters are victims of sexual exploitation and more than 70

percent of homeless children forced in the streets are forced to engage in “survival sex” to secure food, housing, and transportation.

The impact of child prostitution is devastating to young children and takes a heavy toll on their physical and mental health. Our city needs legislators aware and prepared to address the root causes of DC’s high child prostitution rates determined to pursue and secure DC’s federally appropriated funds, such as the TANF “Emergency Contingency” fund established in the federal stimulus legislation — that DC has yet to fully take advantage of. These federal funds will augment DC’s declining revenues, maintain and/or restore low-income families and child services, and assist local nonprofits to meet the rising demands for their services. Legislators must muster the will to mobilize available support from a broad range of stakeholders including federal and local agencies, nonprofits, academicians, and educators to generate the political momentum necessary to deal with DC’s high rates of sexually exploited children.

<http://www.dcwatch.com/themail/2010/10-12-26.htm>

Child Poverty, Homelessness, Sexual Exploitation, and a 2011 Prediction
Mai Abdul Rahman, maiabdulrahman@comcast.net

December 26, 2010

DC’s poverty and homeless rates are highest in the country. In 2008 our city’s poverty rates were third in the country, and so in 2009, not surprisingly, more than sixteen thousand residents were homeless. Of those sixteen thousand, more than 37 percent are homeless families with children, in addition to three thousand stand-alone homeless children who reside in our city’s streets and abandoned buildings. Since 2006, the United States Conference of City Mayors warned and predicted a continued rise in the numbers of homeless families and children: “Homeless families will increase. . . . Families may have to break up in order to be sheltered,” <http://usmayors.org/publications>. Our city has done little to address the projected increase in the number of homeless families and children in DC. Predictably this year DCPS administrators have noted a substantial increase in the number of school aged homeless and/or abandoned children attending their schools.

Most alarming, researchers suggest that 30 percent of homeless children living in shelters are victims of sexual exploitation and that more than 70 percent of homeless children forced into the streets are engaging in “survival sex” to secure food, housing, and transportation. During the past four years, the number of child prostitutes in DC has seen a huge spike and the city was cited by child advocacy groups as a hub for sexual exploitation of children, <http://tinyurl.com/2d52bvn> Poverty and lack of affordable housing are contributing factors to the sexual exploitation of poor and homeless children in DC. An increasing number of DC children are confronted with factors outside and beyond their control, unable to seek work, secure food or find shelter they are left with few options other than to sell their bodies. A simple search of the *Washington Examiner* web site with the words “child prostitute” generates tens of stories of children between the ages of nine and seventeen engaging in prostitution:

http://washingtonexaminer.com/search/apachesolr_search/child%20

Homelessness impacts children mentally, socially, and emotionally and exposes them to great risks. In addition, psychologists and researchers warn about the impact of homelessness on children’s overall cognitive and developmental growth, as well as the severe future social impacts on the homeless children and our society at large. “Many children and youth experience physical (e.g., blindness, speech problems) and learning disabilities (e.g., dyslexia) that may make it difficult for them to reach their full potential” (National Law Center for Homelessness and Poverty, 2009). The implications of poverty on the high rates of homelessness and child prostitution in DC continue to be overlooked by DC legislators. Meanwhile DC legislatures are advancing cuts in affordable housing programs, low income benefits, and the latest wage and TANF proposal cuts that will make it more difficult for DC low income families to stay afloat.

Forewarned by federal and city leaders that a lack of serious planning and attention to this issue will have devastating impact on the most susceptible children, exposing them “to exploitation and involvement in illicit activities, such as selling drugs and prostitution”

<http://www.gao.gov/new.items/d10335.pdf>. Despite the growth in the number of homeless children and the many well-documented complex issues that have publicly surfaced, including the rise of young children engaging in survival sex to make ends meet, DC legislators have yet to consider a constructive long term strategy to meaningfully address the factors that have exposed the most vulnerable residents of our city to sexual exploitation — children as young as nine years old. With little evidence that the high rates of child prostitution in DC and the factors that contribute to it are of a concern to most of our legislator, I predict that in 2011 the number of sexually exploited children in DC will more than likely increase and surpass the rates found in faraway cities of the poorest nations in the world. (end)

Here is a link to just released Survey of youth homelessness in the District issued by DC Alliance of Youth Advocates , which is very relevant to the issues raised in the previous articles:

<http://www.dc-aya.org/sites/default/files/content/YouthHomelessness12%2011.pdf>

Family and Child Homelessness in DC

By Mai Abdul Rahman, December 22, 2011

Social service cuts, poverty and high cost of rent and housing are attributed to the rise in children's homelessness (US Conference of Mayors, 2010). In fall of 2009, the United Nations Human Rights Commissioner Raquel Rolnik visited Washington, DC on a fact-finding tour to investigate the rising number of homeless and low-income communities in the city: <http://cangress.wordpress.com/tag/special-rapporteur-on-adequate-housing/>

Rolnik identified and detailed gross human rights abuses related to poverty, absence of governmental support services and income disparities in Washington, DC:

http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.20.Add.4_en.pdf. These political, social and economic factors are profoundly impacting the well being of homeless families and seriously compromising homeless children who are unable to seek work, secure food or find shelter (Gaetz, O’Grady, & Vaillancourt, 1999).

DC Fails to meet the Needs of Homeless Children

In recent years Washington, DC, has seen a dramatic rise in the numbers of homeless families with children. In 2009 the number of homeless individuals living in DC was 6,228, of those 1,426 were children under the age of majority (DC Kids Count, 2010). These figures imply that in 2009, more than 22% -- or at least one in 5 -- of the total homeless population in DC was comprised of children. The economic and social conditions of Washington, DC poor are the result of the high cost of housing; where low-income families are unable to meet their monthly rent and mortgage payment face foreclosure; eviction; and are often forced to live in overcrowded and substandard conditions (UNCHR, 2010). DC's homeless children are living in transitional shelters, emergency shelters, runaway youth shelters, streets, parks, alleys, abandoned buildings and stairways (Ferrell, 2010). Meanwhile DC's homeless children rates continue to rise. In 2010 the federally mandated homeless enumeration count established a considerable increase in the number of homeless children in Washington, DC from 22% to 26% where 1,535 children were identified sleeping in shelters, abandoned buildings or on the streets (Ferrell, 2010). In 2009 school administrators identified 950 homeless students attending DC Public Schools (Seif, 2009).

Family Homelessness is a Result of Policy Structural Failures:

The structural causes of child and family homelessness are: poverty, unemployment, inadequate state funding and failed policies and strategic social planning. These structural causes are political and economic in nature, and while these factors are outside the control of homeless families and their children they profoundly influence every aspect of their life. Homeless children and youth today are one of the most vulnerable homeless populations and the fastest growing segment of the US homeless population (HUD, 2011). Home and house stability is critical for the well-being and development of youth. Washington, DC suffers the highest poverty rates and highest number of homeless families with young children in the nation. In addition DC's budget cuts in social services and assistance programs are attributed to the rise in children's homelessness, which is profoundly and directly impacting the well being of homeless families and their children.

DC's High Rare of Child Sexual Exploitation:

The Declaration of the World Congress Against Commercial Sexual Exploitation of Children (1996) considers child sexual exploitation a form of slavery: (<http://www.unicef.org/events/yokohama/index.html>. Poverty is the most frequent explanation cited for the involvement of a considerable number of youth in sex crimes (GAO, 2009). The economic downturn and reduction in social services funding are seriously compromising homeless children who are unable to seek work, secure food or find shelter (Ali, 2009; Gaetz, O'Grady, & Vaillancourt, 1999; Weiner, 2001). With the continued economic downturn and the increasing number of DC's homeless children who are daily confronted with factors outside and beyond their control, these children are consequently left with few options other than to sell their bodies (GAO, 2009; UNICEF, 2009). DC's negligence has unfortunate consequences. During the past four years the rate of child prostitutes in Washington, DC has seen a huge spike and the city was cited by child advocacy groups as a hub for sexual exploitation of children who are trading sex for shelter and food: http://www.fbi.gov/pressrel/pressrel09/crosscountry_102609.htm

This prompted the DC Council to pass 'The Prohibition Against Human Trafficking Bill', which included language about the prohibition of adults engaging or facilitating consensual sex with a minor in exchange for goods or services: <http://www.dccouncil.us/images/00001/20090128113919.pdf>

School Consolidations:

It is important to seriously consider the impact of any school consolidation plans in the more deprived areas of the city. School consolidation plans result in added stress, frequent school change and increase in the number of homeless students: http://articles.nydailynews.com/2010-01-18/local/17943918_1_homeless-students-students-in-temporary-housing-change-schools This implies that similar recent school closures, restructuring, and consolidations that are taking place in Washington, DC may be gravely contributing to DC's homeless students' educational attainment. With the loss of adequate opportunity to receive their education, homeless children are much less likely to acquire the skills they need to escape poverty as adults.

In addition access and length of stay limits that are placed on homeless shelter residents and the constant occupation of searching for safe shelters forces homeless children to relocate and change schools frequently (Duffield & Lovell, 2008). Homeless shelter accommodations are by design temporary and as a result homeless youth are forced to enroll and transfer to multiple schools in one year (US Department of Education, 2004). The high frequencies of school changes these children encounter adversely impact

their education and future prospects.

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FOCUS: Is Poverty a Death Sentence?

By Sen. Bernie Sanders, Reader Supported News September 14, 2011

<http://www.readersupportednews.org/opinion2/277-75/7429-focus-is-poverty-a-death-sentence>

Sanders writes: "I want to focus on an enormously important point. And that is that poverty in America today leads not only to anxiety, unhappiness, discomfort and a lack of material goods. It leads to death. Poverty in America today is a death sentence for tens and tens of thousands of our people, which is why the high childhood poverty rate in our country is such an outrage."



Vermont Senator Bernie Sanders addresses the issue of deficit reduction, 06/28/11. (photo: LA Times)

he crisis of poverty in America is one of the great moral and economic issues facing our country. It is very rarely talked about in the mainstream media. It gets even less attention in Congress. Why should people care? Many poor people don't vote. They certainly don't make large campaign contributions, and they don't have powerful lobbyists representing their interests.

Here's why we all should care. There are 46 million Americans - about one in six - living below the poverty line. That's the largest number on record, according to a new report released Tuesday by the

Census Bureau. About 49.9 million Americans lacked health insurance, the report also said. That number has soared by 13.3 million since 2000.

Moreover, according to the Organization for Economic Cooperation and Development, the United States has both the highest overall poverty rate and the highest childhood poverty rate of any major industrialized country on earth. This comes at a time when the U.S. also has the most unequal distribution of wealth and income of any major country on earth with the top 1 percent earning more than the bottom 50 percent.

According to the latest figures from the OECD, 21.6 percent of American children live in poverty. This compares to 3.7 percent in Denmark, 5 percent in Finland, 5.5 percent in Norway 6.9 percent in Slovenia, 7 percent in Sweden, 7.2 percent Hungary, 8.3 percent in Germany, 8.8 percent in the Czech Republic, 9.3 percent in France, 9.4 percent in Switzerland. I suppose we can take some comfort in that our numbers are not quite as bad as Turkey (23.5 percent), Chile (24 percent) and Mexico (25.8 percent).

When we talk about poverty in America, we think about people who may be living in substandard and overcrowded homes or may be homeless. We think about people who live with food insecurity, who may not know how they are going to feed themselves or their kids tomorrow. We think about people who, in cold states like Vermont, may not have enough money to purchase the fuel they need to keep warm in the winter. We think about people who cannot afford health insurance or access to medical care. We think about people who cannot afford an automobile or transportation, and can't get to their job or the grocery store. We think about senior citizens who may have to make a choice between buying the prescription drugs he or she needs, or purchasing an adequate supply of food.

I want to focus on an enormously important point. And that is that poverty in America today leads not only to anxiety, unhappiness, discomfort and a lack of material goods. It leads to death. Poverty in America today is a death sentence for tens and tens of thousands of our people which is why the high childhood poverty rate in our country is such an outrage.

Some facts:

- At a time when we are seeing major medical breakthroughs in cancer and other terrible diseases for the people who can afford those treatments, the reality is that life expectancy for low-income women has declined over the past 20 years in 313 counties in our country. In other words, in some areas of America, women are now dying at a younger age than they used to.
- In America today, people in the highest income group level, the top 20 percent, live, on average, at least 6.5 years longer than those in the lowest income group. Let me repeat that. If you are poor in America you will live 6.5 years less than if you are wealthy or upper-middle class.
- In America today, adult men and women who have graduated from college can expect to live at least 5 years longer than people who have not finished high school.
- In America today tens of thousands of our fellow citizens die unnecessarily because they cannot get the medical care they need. According to Reuters (September 17, 2009), nearly 45,000 people die in the United States each year - one every 12 minutes - in large part because they lack health insurance and cannot get good care. Harvard Medical School researchers found in an analysis released on Thursday."
- In 2009, the infant mortality rate for African American infants was twice that of white infants.

I recite these facts because I believe that as bad as the current situation is with regard to poverty, it will likely get worse in the immediate future. As a result of the greed, recklessness and illegal behavior of Wall Street we are now in the midst of the worst economic downturn since the 1930s. Millions of workers have lost their jobs and have slipped out of the middle class and into poverty. Poverty is increasing. Further, despite the reality that our deficit problem has been caused by the recession and declining revenue, two unpaid for wars and tax breaks for the wealthy, there are some in Congress who wish to decimate the existing safety net which provides a modicum of security for the elderly, the sick, the children and lower income people. Despite an increase in poverty, some of these people would like to cut or end Social Security, Medicare, Medicaid, food stamps, home heating assistance, nutrition programs and help for the disabled and the homeless.

To the degree that they are successful, there is no question in my mind that many more thousands of men, women and children will die.

From a moral perspective, it is not acceptable that we allow so much unnecessary suffering and preventable death to continue. From an economic perspective and as we try to fight our way out of this terrible recession, it makes no sense that we push to the fringe so many people who could be of such great help to us.

Failing Forward

By CHARLES M. BLOW

New York Times August 26, 2011

Sometimes I push back on my heels, look at this country and wonder aloud: “What on earth are we doing?”

We have a growing crisis among the nation’s children, yet our policies ignore that reality at best and exacerbate it at worst.

According to [a report issued this week by the Guttmacher Institute](#), the unintended pregnancy rate has jumped 50 percent since 1994, yet a July report from the institute points out that politicians are setting records passing laws to restrict abortion. It said: “The 80 abortion restrictions enacted this year are more than double the previous record of 34 abortion restrictions enacted in 2005 — and more than triple the 23 enacted in 2010.” Add to this the assault by conservatives on Planned Parenthood, and what are we saying?

This is what we’re saying: actions have consequences. If you didn’t want a child, you shouldn’t have had sex. You must be punished by becoming a parent even if you know that you are not willing or able to be one.

This is insane.

Even if you follow a primitive religious concept of punishment for sex, as many on the right seem to do, you must at some point acknowledge that it is the child, not the parent, who will be punished most by our current policies that increasingly advocate for “unborn children” but fall silent for those outside the womb.

This is not how a rational society operates.

Aside from the raft of negative outcomes associated with unintended pregnancies, there are a host of other indicators that suggest a perilous world for the nation’s children.

[A report from the Annie E. Casey Foundation last week](#) found that “the official child poverty rate, which is a conservative measure of economic hardship, increased 18 percent between 2000 and 2009.”

According to the United States Department of Agriculture, the number of children facing food insecurity in 2009 soared to nearly one in four. And ABC News pointed out this week that a breathtaking 49 percent of all children born in this country are born to families who receive food supplements from the federal Women, Infants and Children assistance program.

As the World Bank points out, “undernutrition” in young children has been linked to delayed growth and motor development, lower I.Q.’s, behavioral problems and decreased attention, deficient learning and lower educational achievement.

Yet we wonder why our children’s educational outcomes are so low when compared with other wealthy nations. We even have the nerve to begrudge teachers for not being able to squeeze success out of children primed for failure.

It should come as no surprise that a C.D.C. report this month found a continued rise in the percentage of children being diagnosed with attention deficit hyperactivity disorder or that the country has continued its course of mass incarceration. The prison population in the United States has nearly quadrupled over the last 25 years. In fact, we have the highest incarceration rate of any Organization of Economic Cooperation and Development country. This isn’t only a moral outrage; it’s also budgetary lunacy. As a report released last month by the Children’s Defense Fund pointed out, “the U.S. spends almost two-and-a-half times as much per prisoner as per public school pupil.”

We simply can’t keep turning to pills and prisons to solve issues of poverty and poor parenting. This is unhealthy, unsustainable and unwise.

We have to do a better, more focused job of teaching sex education and providing contraceptive options (kudos here to the administration for moving this month to require insurance companies to provide birth control services to women at no extra cost). We have to remove the stigma and judgment around sex. Sex isn’t bad or unnatural. It’s one of the most natural things that we do. It just needs to be safe and responsible.

We also have to preserve women’s birth options should they become pregnant, including the option not to give birth. And, finally, for all the children who are born, we must make a valiant effort to give each and every one of them a fighting chance, which includes food and medicine when their parents can’t provide it. We must do this not as a boon or crutch to the parent, but as a selfish investment in the future of this great society.

They need our help now more than ever because the current economic stress may take some time to overcome.

As an updated Budget and Economic Outlook report issued by the Congressional Budget Office this week points out, the unemployment rate is expected to stay above 8 percent until the middle of the decade.

Now is when we need government to step up and be smart.

This is exactly the wrong time to do what the Republicans would have us do. In their 2012 budget, they propose cutting nutrition programs as part of austerity measures so that we don’t leave our children saddled with debt. Meanwhile, they completely ignore the fact that those cuts could leave even more children saddled with physical or developmental problems.

They want to hold the line on tax breaks for the wealthy, not paying attention to the fact that our growing income inequality, which could be reversed, continues to foster developmental inequality, which is almost impossible to reverse.

We have to start this conversation from a different point. We must ask: “What kind of society do we want to build, and what kinds of workers, soldiers and citizens should populate that society?” If we want that society to be prosperous and safe and filled with healthy, well-educated and well-adjusted people, then the policy directions become clear. They are almost the exact opposite of what we are doing.

I invite you to join me on Facebook and follow me on Twitter, or e-mail me at chblow@nytimes.com.

Graphic: <http://www.nytimes.com/imagepages/2011/08/27/opinion/27blow-grx.html?ref=opinion>

The States of Child Hunger

Child “food insecurity” in 2009, by state

Rank		Rate	Children in food insecure households
1	D.C.	32.3	36,870
2	Ore.	29.2	252,510
3	Ariz.	28.8	482,340
4	Ark.	28.6	200,290
5	Tex.	28.2	1,871,660
6	Ga.	27.9	702,520
7	Miss.	27.7	211,340
7	Nev.	27.7	182,710
9	S.C.	27.6	292,840
10	Fla.	27.5	1,116,260
11	Calif.	27.3	2,580,080
11	N.C.	27.3	603,250
11	N.M.	27.3	137,720
14	Tenn.	26.9	396,470
15	Okla.	26.7	240,740
16	Ala.	26.6	299,390
17	Ohio	26.5	731,040
18	Mich.	25.4	618,910
19	Mo.	24.8	354,520
20	Wash.	24.7	382,860

Education and Poverty

Here are several articles and selections which have raised the issue of poverty in relation to student performance in school.

Diane Ravitch Quotes and Sources (Diane Ravitch is a historian of education. Her most recent book is "The Death and Life of the Great American School System: How Testing and Choice Are Undermining Education.") "The best way to improve American education, the post-epiphany Ravitch argues, is to fight child poverty with health care, jobs, child care, and affordable housing." (<http://www.washingtoncitypaper.com/articles/41083/diane-ravitch-the-anti-rhee/full>). "the best predictor of low academic performance is poverty-not bad teachers" (Diane Ravitch, the Anti-Rhee By Dana Goldstein, Washington City Paper, June 24, 2011). "We should stop using the term "failing schools" to describe schools where test scores are low. Usually, a school has low test scores because it enrolls a disproportionately large number of low-performing students. Among its students may be many who do not speak or read English, who live in poverty, who miss school frequently because they must baby-sit while their parents look for work, or who have disabilities that interfere with their learning. These are not excuses for their low scores but facts about their lives." (Why I Changed My Mind About School Reform. Federal testing has narrowed education and charter schools have failed to live up to their promise. By Diane Ravitch, Wall Street Journal March 9, 2010). Also see: A new agenda for school reform, By Diane Ravitch April 2, 2010; A17

Class Dismissed *Why We Cannot Teach or Learn Our Way Out of Inequality* by John Marsh MR Press

"In *Class Dismissed*, John Marsh debunks a myth cherished by journalists, politicians, and economists: that growing poverty and inequality in the United States can be solved through education. Using sophisticated analysis combined with personal experience in the classroom, Marsh not only shows that education has little impact on poverty and inequality, but that our mistaken beliefs actively shape the way we structure our schools and what we teach in them. Rather than focus attention on the hierarchy of jobs and power—where most jobs require relatively little education, and the poor enjoy very little political power—money is funneled into educational endeavors that ultimately do nothing to challenge established social structures, and in fact reinforce them. And when educational programs prove ineffective at reducing inequality, the ones whom these programs were intended to help end up blaming themselves. Marsh's struggle to grasp the connection between education, poverty, and inequality is both powerful and poignant." Monthly Review Press, Press Release, July 29, 2011

Hope for D.C. Public Schools

By Tom Blagburn The Washington Informer Thursday, 09 October 2008

Having spent considerable time in D.C. Public Schools (DCPS) grappling with administration, teacher, student and family problems very few people want to even remotely address, it seems somewhat strange that our city hasn't confronted the core issues so vital to D.C. Public School reform.

Many readers are correct in their assumptions that much of what has happened to students in the system was "criminal." A lot, perhaps, still is criminal. But there are other pertinent issues that are not receiving acknowledgement. First, the District's Public Schools System is not a complete failure. There are large numbers of students from every Ward of the city attending DCPS who graduate and go forward to attend and graduate from some of the best and most prestigious colleges and universities in this nation.

It is wrong to continue to propagate the myth that DCPS is a complete failure. I think this ploy is used to illustrate that no matter how very little is actually accomplished, even the smallest of gains will be

cheered with success. The D.C Public School System is really a bifurcated school system: one group of students resides in wholesome homes and neighborhoods where there are responsible, educated adults who nurture, assist and help interpret or negotiate the complexities of life each and everyday. Their parent(s) have the means and fortitude to give them in-home matriculation support of every kind. Unfortunately, within the other group are students who sometimes don't have anyone to guide or help them with interpreting the enormously complex problems of living in urban blight and impoverished neighborhoods. Some are like nomads living with various family members.

Compounding their unfortunate predicament is the fact that too many of these students are also often misguided by wrong-thinking peers and are forced to simply concentrate on personal survival. "Where do I eat?" and "How can I clothe myself?" are very real situations. Ask some of the teachers and principals of schools in Wards 5, 7 and 8 how they have had to cope with these problems. Substance abuse, psychological health issues and family incarceration heap enormous emotional stress on these students as well. Additionally, far too many witness an inordinate level of violence, carnage and street crime almost daily. It affects their psyche, their attitudes toward study, having a sense of the future, and it depreciates the value of human life.

Personal Subsistence struggles day to day can often supersede the drive to become proficient in reading and math. These complicated socioeconomic problems diminish education, thus creating low self-esteem, interpersonal conflicts and anger. And yes, despite these awful conditions and obstacles, many students do somehow find a way to succeed. However, it is not the group norm. But this very sad 40-50 percent school failure rate looms as a very large hurdle in creating effective school reform. I have yet to see any educational reform plan from any Superintendent or Chancellor addressing any of these issues. And most leaders in this city have refused to have a candid discussion about the realities that many DCPS students face daily, while our public school system continues to experience high-dropout rates, high truancy, low test scores and students ill prepared to enter the District's workforce even after high school graduation. As I have frequently stated: we can reform our schools through modernization; technology improvements; and hiring better trained principals, teachers and staff. But the dominant problem impeding urban education for all students isn't going to change until we face the despicable student divide that exists in far too many schools within large numbers of blighted neighborhoods across the District. It is a dimension of public school reform that our city must urgently address.

Note: The late Tom Blagburn was the former director of the Community Policing, Metropolitan Police Dept. (Ret) and a faculty member at the U.D.C., Institute for Public Safety & Justice.

Wage Theft

<http://www.washingtoncitypaper.com/blogs/housingcomplex/2010/11/22/wage-theft-complaints-on-the-rise/>

Wage Theft Complaints on the Rise in D.C.

Posted by [Lydia DePillis](#) on Nov. 22, 2010 at 8:10 am



Each sign is a person owed wages for work. (Lydia DePillis)

When you add a tip to a receipt, are you sure that the server is actually getting that cut? If you're working a government construction job, are you sure you're getting the prevailing wage for the area? The economy hasn't just depressed rates and payrolls—it's also just made some employers more likely to short their employees on the wages they're owed.

The phenomenon of "wage theft," as labor advocates call it, affects a wide range of workers, from landscapers to line cooks to janitors. And it can take many forms, including something as straightforward as withholding tips or as difficult to figure out as misclassifying a laborer on a construction project into a lower-paying job category. Transient workers are particularly vulnerable: The [Washington Lawyers Committee for Civil Rights and Urban Affairs](#) found in a 2008 report that 51 percent of day laborers surveyed in the D.C. area were paid less than what they had been promised, and 22 percent had experienced having a paycheck bounce.

The problem has gotten worse lately. According to **Laura Brown**, director of legal services at the [D.C. Employment Justice Center](#), complaints of non-payment or underpayment of wages at the organization's weekly workers rights clinic jumped from a quarter of all complaints to one third of complaints in the third quarter of 2010. D.C. EJC serves about 1300 people each year, helping them navigate paperwork at the city's Wage and Hour office, which can help workers recover unjustly denied wages. But the office only has a small handful of employees—down from a much more robust staff decades ago—and can't do much to force an employer doesn't cooperate. If a worker doesn't have a stack of documentation, there's little the D.C. EJC can do to help.

"To say they're understaffed is an understatement," Brown says, noting that there's only one Spanish-speaking investigator. "That's ridiculous."

To combat the problem, labor organizers—mostly representing non-unionized workers, since the D.C. area has such low union density—want the cops to get involved. At a press conference last week in front of the Metropolitan Police Department, D.C. Jobs with Justice called upon the MPD to proactively investigate complaints of wage theft as if it were theft of any other good, and impose stiff penalties on those found to have shortchanged workers. In addition, they want the Department of Employment Services should do spot checks on pay stubs to make sure laws are being followed.

The press conference was coordinated with several dozen around the nation in a bid to raise the profile of wage theft, and comes soon after the introduction of federal [legislation](#) that would expand enforcement and create a grant program within the Department of Labor to help communities police the problem.

<http://www.dcjwj.org/node/874>

Wage Theft

Wage Theft is the process when workers are misclassified as contractors, refused pay for overtime work, paid below-minimum wage, paid less than agreed, paid with bad checks and sometimes, not paid at all.

The reality: Almost two thirds of day laborers and homeless workers in DC have experienced wage theft over the past year

The problem: There are very few avenues through which workers can reclaim their wages. The process through the DC's Wage and Hour Office and Small Claims Court is long and complex, and there is little enforcement in requiring employers to comply with regulations.

DC Jobs with Justice and our day labor organizing project, the Unión de Trabajadores is organizing a campaign to make the police more responsive to wage theft claims by improving documentation and training for officers.

We are asking you to sign and circulate a petition so that Unión de Trabajadores leaders may meet with Police Chief Cathy Lanier.

Contact arturo@dcjwj.org or rachel@dcjwj.org to coordinate picking up the petitions.

Activists protest mistreatment of transgender people in D.C.

By Teresa Tomassoni, Washington Post November 17, 2011

Xion Lopez came out as a transgender woman in August. Since then, the 20-year-old Northeast resident said, she has feared for her life.

“Every morning before I walk out of the house, I pray for safety,” she said at a Thursday rally outside the U.S. Attorney’s Office in downtown Washington, where she and about 35 other activists demanded that the District do more to protect transgender people from what they call a recent surge in violence and police bias against them.



(Bill O'Leary / WASHINGTON POST) - Xion Lopez, right, makes remarks Nov. 17, 2011, to a coalition of local organizations gathered in front of the D.C. U.S. Attorney's offices to rally for better treatment of transgender citizens by police and other legal authorities.

Since July, at least 20 transgender women have been assaulted in the city, said Jason Terry, a volunteer from the DC Trans Coalition who testified Nov. 2 before the D.C. Council about police response to hate crimes. Lopez’s friend Lashay Mclean, 23, who also identified as a woman, was fatally shot in the city’s Northeast in July. Police said two people walked up to Mclean, a.k.a. Myles Mclean, and another person, and one pulled out a semiautomatic handgun and shot McLean.

In September, Gaurav Gopalan, 35, an aeronautical engineer and theater director, was found dead in Columbia Heights while dressed in women’s clothing, although some of his close friends did not identify

him as transgender. The death was later ruled a homicide by the D.C. medical examiner's office, which cited "blunt-impact head trauma." Neither slaying has been solved.

In their demands presented Thursday to the D.C. police department, the U.S. Attorney's Office and officials including Mayor Vincent C. Gray (D), activists sought better ways of tracking crimes against transgender people. They also want police to receive mandatory training on legislation, including the D.C. Human Rights Law, and more efforts to investigate crimes targeting the transgender community.

D.C. area's rich are rich indeed

\$520,000 MINIMUM INCOME FOR TOP 1%

Region weathers downturn better than most

Carole Morello Washington Post February 2, 2012

If that end-of-the-year bonus didn't send your household income well north of half a million dollars, you can't count yourself among the elite 1 percent in the Washington region. It took household earnings of almost \$520,000 to make it into the region's top tier in 2010, according to a new analysis of Census Bureau data. That represents a slight increase from \$517,000 in 2007, despite the many intervening months of recession and economic stagnation.

By any measure, the region sets a high income bar for the rich to hurdle. Nationally, the top 1 percent of all households had annual incomes of \$387,000 or more in 2010. Only 11 metropolitan areas had a higher threshold than the Washington area's. Most of them are in Connecticut or New Jersey, within commuting distance of New York City. The San Francisco and Boston areas round out the top dozen big-money citadels.

The District's threshold for a 1 percent — \$617,000 — was even higher than the region's, though it had dropped from \$673,000 in 2007, before the recession. If the District were a state, it would be second only to Connecticut, home to several Fortune 500 companies and major hedge funds, as well as many commuters to Wall Street.

Among the states, Maryland had the fifth-highest threshold, almost \$477,000. And Virginia's was eighth highest, at more than \$427,000.

The figures come from a report released Wednesday by Sentier Research, a firm that analyzes census income data. If anything, the statistics understate wealth, said Gordon Green, one of the report's two authors. It includes just income, not capital gains or onetime windfalls.

The Washington area pops up repeatedly in the report as one of the most prosperous in the nation, even though median household incomes slipped in many local jurisdictions during the recession.

The local slippage did not drag down the District, which stood out with an 8 percent increase in median income from 2007 to 2010. In the same period, median household income dropped 3.5 percent nationally, 2 percent in Maryland and Virginia, and 1 percent in the Washington region.

Eric Friedman, who lives in Ohio but spends two days a week in Washington, remarked on the difference between the rich in Ohio and the rich here.

“In Ohio and a lot of areas like it, the wealth is manifested in the suburbs and not so much in the cities,” said Friedman, a principal in Deloitte Consulting, as he left the Willard Hotel. “If you live in a city in Ohio, you are probably not in that 1 percent.”

Economists and demographers said Washington’s relative prosperity is largely a result of the region’s many government-related jobs and the preponderance of highly educated, two-income households.

“When you talk about household incomes, we have an advantage,” said Stephen Fuller, director of the Center for Regional Analysis at George Mason University. “It’s a more professional workforce. If there are two adults in a household of working age, they usually are working.”

The report underscores how unevenly the recession affected the nation. About three-quarters of the states and metropolitan areas experienced income losses. The list of gainers is dominated by areas that have a lot of industry related to energy production.

“One of the terrible things about recession is it does unequal damage” said Gary Burtless, a former Labor Department economist who researches income distribution at the Brookings Institution. “We have record-high unemployment lasting longer than a year. They experienced terrific losses. But if some suffer a lot, some don’t suffer at all. There are those wage slaves among us who hang onto our jobs. Those who bought houses 20 years ago are living in the same house, even if it’s worth less.”

That unevenness is evident throughout the region. The median household income in Maryland dropped \$1,200, to \$70,000, from 2007 to 2010. In Virginia, it fell by \$1,100, to about \$61,000.

By contrast, the District’s median household income grew from \$55,500 to \$60,000 in that time, even though the city’s unemployment rate in 2010 was almost 10 percent. The city gained population in the decade beginning in 2001, attracting college-educated young adults and burnishing its reputation as a cool place to live.

“The District during the downturn didn’t shrink like other places,” Fuller said. “It didn’t really crash, because the federal government was ramping up its outlays and activities in support of the recovery. This generated a lot of contracting, and there was an inflow of consultants and seniorlevel people.”

But if the federal government has shielded the region from past downturns, the local economy could soon become more vulnerable. Talk of cutbacks in federal spending lead some to believe that the region’s prosperity will weaken noticeably.

“If the federal government gets more serious about cutting back, if you see a general emphasis on reducing federal expenses, either employees or contractors, we might see a reversal of fortune,” said Peter Tatian, a researcher in the Urban Institute’s Metropolitan Housing and Communities Policy Center.

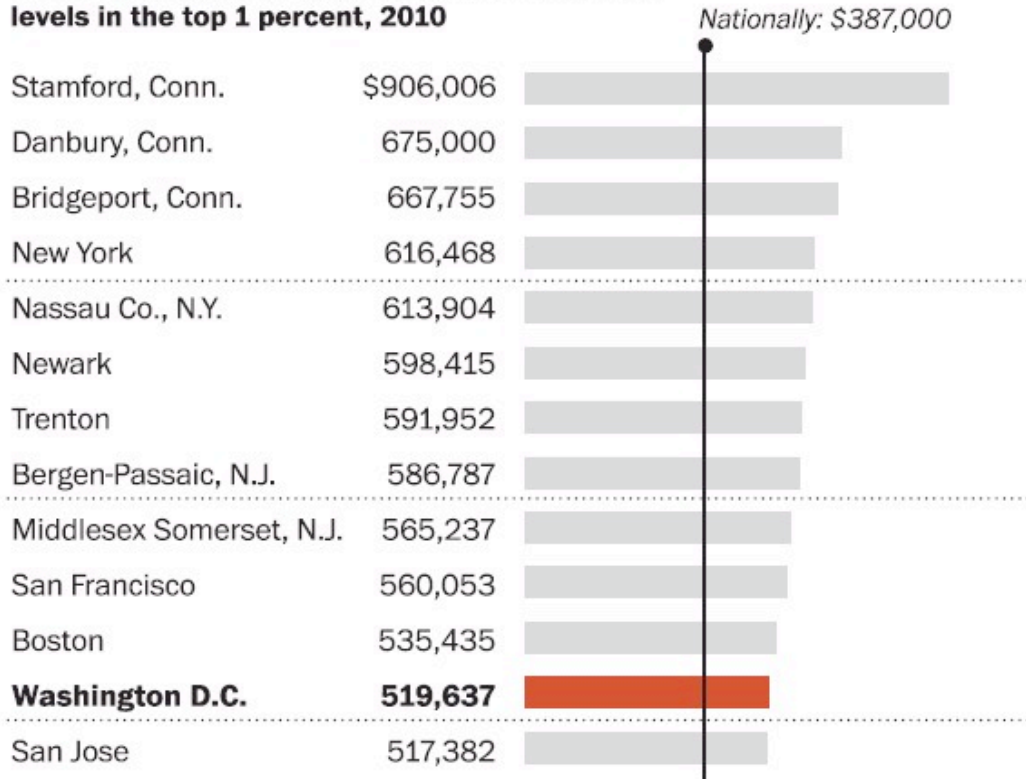
GMU’S Center for Regional Analysis has predicted that the region will grow at a slower pace than the nation for several years, something that hasn’t happened since the Vietnam War ended more than 35 years ago.

“Clearly, we’re not going to grow as fast,” Fuller said. “We’ll still have a lot of good jobs here. But we won’t add to our prosperity. We won’t have as many new rich people in the future.”

The top 1 percent

A household income of \$519,637 was needed to make it into the Washington region's top 1 percent in 2010. Only 11 other U.S. metropolitan areas had a higher threshold.

Metro areas with the highest household income levels in the top 1 percent, 2010



Source: Sentier Research

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