



Engaging Legal Services in Community Efforts to Prevent and End Homelessness

People at risk of or experiencing homelessness often face legal issues that can create roadblocks to accessing or maintaining safe and stable housing, employment and income supports, health care services, and other opportunities that can help them stabilize and achieve their goals. Oftentimes, people in these circumstances do not recognize when they have legal needs, and even when they do, they frequently do not seek legal assistance. Barriers faced may consist of individual unmet legal needs, such as a need for replacement identification, child support issues, or outstanding warrants or fines. Legal barriers may also include systemic issues affecting people experiencing homelessness in a community or state more broadly, such as laws that criminalize behaviors associated with homelessness and contribute to people cycling between homelessness and incarceration.

The purpose of this document is to describe ways that engaging and partnering with legal services providers can contribute to communities' efforts to prevent and end homelessness.

- [Section I](#) highlights the variety of ways in which legal services can help remove *individual* barriers to permanent housing and supportive services through advice, counsel, and representation
- [Section II](#) describes opportunities for legal services providers to assist in removing *systemic* barriers to permanent housing by partnering with communities and advocates through education and outreach
- [Section III](#) discusses strategies that community providers can use to integrate legal services into their efforts to prevent and end homelessness

Identify, Assess, and Address Legal Issues among People Experiencing Homelessness

Homelessness assistance programs and other housing and services providers should work with legal services providers to ensure that individuals and families experiencing or at risk of homelessness are assessed for a range of potential legal needs and referred to appropriate legal services providers. Common legal issues affecting those experiencing or at risk of homelessness include:

Housing. Legal services providers offer legal representation in housing court or mediation and negotiation to resolve problems and prevent unlawful evictions in government-subsidized housing, private housing, or foreclosure properties. Connecting individuals with attorneys at the earliest possible time may prevent homelessness in some instances. Lawyers may also be able to shorten an individual's or family's length of stay in a shelter system by removing barriers to other available housing options.

Domestic Violence. People experiencing homelessness due to physical, sexual, or emotional abuse may request state intervention, a civil protection order, child support, emancipation, or that a nonparent caregiver secure custody or legal guardianship for them.

Disability Rights. People with disabilities that are experiencing homelessness may need assistance with reasonable accommodation requests or other disability or discrimination claims. These individuals may also

qualify for disability-based benefits and services, such as worker's compensation insurance benefits, federal or state disability benefits, specialized housing options, or additional medical coverage.

Identification. People experiencing homelessness may need a replacement Social Security card, driver's license, U.S. passport, or state birth certificate. Legal services providers might also help navigate a relicensing hearing, making it possible to restore a revoked or suspended driver's license, which is often necessary to obtain stable employment.

Collateral Consequences of Justice System Involvement. Many people experiencing homelessness need help addressing outstanding warrants, fines, fees, and court costs. Legal services providers can help mitigate the impacts of criminal records by correcting errors and obtaining expungements, seals, or pardons for eligible individuals to break down the barriers to housing, employment, education, and other mainstream resources.

Child Custody and Placement. Parents experiencing or at risk of homelessness may need assistance in child support and custody disputes, including enforcing child support orders or modifying them to more realistic payment obligations. Also, many grandparents and extended family members are caring for children on fixed incomes. This can lead to housing instability, food insecurity, an inability to obtain healthcare, and difficulty enrolling children in school or obtaining special education services. Legal services providers can assist with legally formalizing appropriate living arrangements and assisting caregivers to access child supports or other necessary benefits.

Identity Theft and Credit Repair. Individuals experiencing homelessness are at a greater risk of becoming victims of identity theft, and their credit reports may contain errors that can have a negative impact on their ability to secure housing, employment, and other opportunities. Legal services can help resolve errors by removing inaccurate items from credit records.

Public Benefits. To make sure they are on a path to stability and self-sufficiency, individuals experiencing homelessness may need assistance identifying and enrolling (or appealing erroneous denials) in assistance programs, such as Medicaid, Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or Supplemental Nutrition Assistance Program (SNAP), as well as housing assistance programs.

Military Discharge. Veterans experiencing homelessness may need assistance adjusting military discharge status or receiving a character of service determination, so they can qualify for medical care, housing programs, and other VA benefits.

Education. Youth experiencing homelessness, whether unaccompanied or part of a family unit, face many barriers to accessing public education and related services. Legal services providers can assist youth and parents to enroll, transfer, or maintain their school of origin. They can advise or provide information regarding McKinney-Vento protections, and ensure provision of appropriate special education services. Legal services providers can also assist older youth navigating financial aid issues and advise them with respect to reporting criminal or juvenile histories on college applications.

Employment. Individuals experiencing or at risk of homelessness have often lost work or are having difficulty finding work as the result of a legal barrier. Legal services providers may be able to assist these individuals seal or correct a criminal record, provide information regarding whether they must report arrests or juvenile adjudications, or request a reasonable work accommodation.

Health Access. Medical bills, inappropriate mental health treatment, lack of medical care, and other health-related issues can lead to or prolong periods of homelessness. Legal services providers can assist individuals with accessing available health care benefits, navigating insurance issues to obtain necessary medical treatment, negotiating or correcting medical debt, and enrolling in federal, state, or local programs.

Youth-Specific Legal Needs. Minors experiencing homelessness and youth between the ages of 18 and 26 may have additional legal needs. For instance, a youth who is in foster care may require assistance reconnecting with or navigating the child welfare system. Legal services providers may be able to help a young person fleeing abuse or neglect, who has been abandoned, or has no living parent to access necessary services or establish a legal permanency alternative. Children also have different and additional rights to education, healthcare, disability benefits, and safe housing or placement. Many, if not most, youth will be unable to access adequate support without assistance. Furthermore, a juvenile can be charged with or adjudicated for conduct that would not, under the law in which the offense was committed, be a crime if committed by an adult. Common status offenses can include truancy, running away, or violating curfew.

Removing Systemic Barriers to Permanent Housing and Supportive Services Through Legal Education and Outreach

Legal services providers can also play instrumental roles in removing systemic barriers to permanent housing and supportive services through education and outreach. This section covers the areas of law and policy where legal services providers can help review program policies and provide legal guidance as needed.

Support the Implementation of Coordinated Entry Processes and Housing First Policies and Practices. Many individuals and families experiencing homelessness may need assistance in accessing available housing and services options. Screening for legal issues or barriers within coordinated entry processes can serve to identify and address barriers people may face in accessing the housing and services they need to end their homelessness. Legal services providers should also be versed in Housing First, a proven approach in which people experiencing homelessness are connected to permanent housing swiftly and with few to no treatment preconditions, behavioral contingencies, or other barriers. Legal services providers can collaborate with homelessness assistance programs to implement Housing First approaches by informing program policies and providing legal guidance on how to remove unnecessary barriers in program policies and practices that prevent individuals and families from accessing permanent housing and supportive services.

Resource:

- [Housing First Checklist: Assessing Projects and Systems for Housing First Orientation](#) (USICH, 2014)

Support Alternatives to Criminalization. Systemic barriers to housing and services might also include laws and policies that criminalize behaviors related to homelessness. Legal services providers can help communities develop and provide alternatives to criminalization, by educating the community on constructive alternative policies and practices that put people on a path to stable housing. Legal services providers can also support alternatives to criminalization by reviewing program policies and providing legal guidance on how to advance a comprehensive and seamless system of care that combines housing with behavioral health and social services supports, collaborating with law enforcement and behavioral health and social services providers, and promoting alternative justice system strategies.

Resources:

- [Searching Out Solutions: Constructive Alternatives to Criminalization](#) (USICH, 2012)
- [No Safe Place: The Criminalization of Homelessness in U.S. Cities](#) (National Law Center on Homelessness and Poverty, 2014)

Educate Landlords on Their Rights and Responsibilities. Legal services providers can play an integral role, in partnership with state and local governments and other service providers, in educating landlords, property managers, and homelessness assistance providers about housing law and other relevant requirements. Housing service providers might consider contracting with legal service providers to conduct information sessions for landlords and rental housing associations and publish materials to educate landlords so they can operate their programs fairly and in compliance with the law.

Educate Tenants on Their Rights and Responsibilities. Likewise, legal services providers can educate tenants by clarifying their rights and dispelling myths that may be hindering individuals and families from accessing housing. For example, tenants with a disability have the right to a reasonable accommodation in rules, policies, practices or services, when such accommodations may be necessary to afford an individual equal opportunity to use and enjoy their housing. Tenants with a disability may not be aware that a housing provider is typically expected to provide an accommodation unless the accommodation imposes an undue financial or administrative burden or requires a fundamental alteration in the nature of its program. Reasonable accommodations may be necessary at all stages of the housing process, including application, tenancy, or eviction prevention. Tenants should be aware that a landlord may request verification that the applicant is disabled and needs the requested accommodation but cannot request information about the nature, extent, or severity of a person's disability.

Provide Legal Representation Within Homelessness Assistance Programs. Organizations serving people experiencing homelessness might engage on-staff attorneys that provide legal advice or full representation to people at risk of or experiencing homelessness. Organizations should consider leveraging or supplementing available federal funding, as well as state, local, and philanthropic resources to provide in-house legal services. If full representation by on-staff attorneys is beyond in-house capacity, organizations may coordinate pro bono efforts and legal services relationships.

Ensure that New Laws and Policies Address the Needs of Individuals and Families Experiencing Homelessness. Legal services providers often play a role in informing federal, state, and local legislation and may be involved in the development of regulations or other policy making. Partnerships between legal service providers and homelessness services providers can serve to better inform lawyers, legislators, and policy makers regarding the needs and interests of people experiencing homelessness. This can lead to better coordination between systems, increased leveraging of existing federal or state funding, a reduction in civil barriers to accessing necessary services, and more efficient use of available resources.

Integrating Legal Services and Efforts to End Homelessness

By connecting legal services, including pro bono or low-cost legal services, with homelessness assistance and other programs, communities can improve legal outcomes for people experiencing homelessness and remove barrier to connecting them with permanent housing and supportive services. This section provides an overview of strategies that communities can use to increase access to legal services for people experiencing homelessness.

Form Partnerships with the Broader Legal Community

Communities seeking to increase legal representation for individuals experiencing homelessness should start by bringing separate stakeholder groups and processes together to identify shared interests, values, and strategies. Developing a system of accessible and integrated legal services should involve a broad array of legal organizations, including the state bar association, law firms' pro bono departments, law school clinics, and other community-based legal services providers.

- **State Bar Associations** – State Bar Associations are coordinating bodies that represent attorneys practicing law in a particular state. State bar associations are a great place to begin to identify what legal resources and stakeholder groups are available at the state and local level.
- **Civil Legal Aid** – There are hundreds of independent non-profit legal services programs serving every county and territory in the country, which often rely on a mix of federal funding, other public funding, including funding from the [Legal Services Corporation \(LSC\)](#), private donations, fundraising, and pro bono and volunteer services. Legal information centers and legal aid offices offer free or low-cost legal advice and representation, trainings for people to represent themselves, and paralegal-based projects that train and employ people to serve as advocates and mediators.
- **Access to Justice Commissions** – Communities should also identify whether their state court system has developed an Access to Justice Commission¹ tasked with ensuring competent legal representation is available for low-income populations. Access to Justice Commissions are comprised of leaders representing the state courts, the state bar, and legal services providers, but often also include legislators and representatives of corporations, foundations, the medical community, and human services organizations. Access to Justice Commissions can be instrumental in obtaining or increasing state funding and can help facilitate collaboration and share assets and information.
- **Legal Clinics** – A legal clinic is typically a law school program that provides legal experience to law school students by providing free legal services to low-income clients. Services provided by a legal clinic might include handling trials and evidentiary hearings, appellate arguments and briefs, business and real estate transactions, legislative and administrative testimony and comments, and mediations, negotiations, and counseling sessions.
- **Law Firm Pro Bono Departments** – The pro bono work of private law firms can make important contributions in local efforts to provide legal services to people experiencing homelessness. The Model Rules of Professional Conduct encourage licensed attorneys to provide at least 50 hours of free legal services to the public each year.² As a result, most law firms have established pro bono programs which allow attorneys to log pro bono services as part of their billable hours.
- **Public Defender Services** – Public defenders interact with individuals experiencing homelessness every day across the country. Establishing partnerships between homelessness service and housing providers and public defenders can both avoid unnecessary incarceration and reduce barriers to accessing available housing options. Public defenders who can identify homelessness and better understand some offenses

¹ Access to Justice Commissions now exist in thirty-nine states and the District of Columbia.

²http://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_6_1_voluntary_pro_bono_publico_service.html

as occurring within the context of homelessness will be better able to assist a client in accessing diversion and community-based service alternatives. In addition, they may be able to assist individuals in clearing warrants, sealing or expunging convictions, or obtaining necessary certificates of completion. Defenders who receive training related to serving people experiencing homelessness will also be better able to advise or assist clients with collateral consequences related to their cases.

Examples:

- In Houston, Texas, the Houston Bar Association, the Houston Bar Foundation, and Houston Volunteer Lawyers formed partnerships with the Michael E. DeBakey VA Medical Center to form the Veterans Legal Initiative, which provides free legal advice and legal representation to U.S. Veterans. Through this program, low-income Veterans who need further legal representation in civil matters and meet eligibility guidelines can be assigned a pro bono attorney through the Houston Volunteer Lawyers, a public service of the Houston Bar Association.
- In Maine, Preble Street, an organization that serves people experiencing homelessness, has formed a partnership with Pine Tree Legal, a free legal clinic that assists low-income individuals, to maximize access and follow-up for individuals experiencing homelessness with legal needs.

Resources:

- [Hallmarks of Effective Access to Justice Commissions](#) (American Bar Association, 2014)
- [Designing and Launching a New Access to Justice Commission](#) (American Bar Association, 2014)
- [Collaborating for Change: Addressing Youth Homelessness and Juvenile Justice](#) (Coalition for Juvenile Justice, 2016)
- [Legal Services Corporation Performance Criteria](#) (Legal Services Corporation, 2007)

Engage in Collaborative Planning Efforts

Once the right partners have been identified, communities should engage in collaborative planning efforts. Collaborative planning should involve planning meetings, trainings, and developing a clear understanding of each organization's strategies and protocols moving forward. Planning efforts should establish a governing body to foster leadership and support the development of a shared language. The planning process might conclude with a final report directed to the state's Supreme Court or Access to Justice Commission, detailing a list of shared protocols that are useful in formalizing ongoing, collaborative partnerships, as well as available resources and promising practices.

Example:

The Supreme Court of Virginia established the Virginia Access to Justice Commission charged with promoting equal access to justice for low-income residents of the state. The commission formed a planning committee to explore access to justice needs in the state and developed comprehensive set of strategies and tactics including:

- Conducting an asset mapping of stakeholder groups that provide pro bono services;
- Determining geographic areas where lack of justice is most acute;
- Mapping how clients find services;
- Developing "best practices" to facilitate sharing pro bono legal services expertise among legal communities; and

- Developing an organizational work plan and a reporting capacity for accounting to the Supreme Court.

Resources:

- [Virginia Access to Justice Planning Task Force Materials](#) (Supreme Court of Virginia, 2013)
- [Access to Justice Commissions' Strategic Plans and Reports](#) (American Bar Association)

Increase Legal Resources and Coordinate Investments

It is critically important during planning efforts for communities to determine federal, state, and local resources that are needed to adequately address the legal needs of low-income individuals and explore options to increase the availability of services in order to better meet the identified needs and eligible clients.

- **Interest on Lawyers Trust Accounts (IOLTA)** – IOLTA is a common method of financing pro bono legal services for individuals and families living in poverty, without taxing the public and at no cost to lawyers or their clients. IOLTAs are typically managed by the state bar association and meant to fund civil legal aid programs with nominal interest generated from client funds held by lawyers.
- **Cy Pres Awards** – Legal services can also be financed using funds available through the cy pres doctrine. The cy pres doctrine is a legal doctrine that allows courts to use funds from a class action settlement that are unclaimed or cannot be distributed to the class members who were the intended recipients. Often times, rather than return the remaining sum to the defendant or the government, the court will redirect the funds for a charitable purpose. Federal and state courts throughout the country recognize awarding cy pres funds to organizations that improve access to justice for low-income individuals. Communities that wish to direct cy pres awards to legal services providers or access to justice programs should undertake a strategic and coordinated education and outreach campaign.

Examples:

- Alameda County, California, developed the SSI Housing Trust in 2012 to assist recipients of general assistance and high utilizers of behavioral health care services to access treatment, case management, housing, and civil legal services. The ultimate goal of the program is to help clients maintain housing, decrease utilization of high cost emergency services, and qualify for Social Security and or Supplemental Security Income benefits. The program now funds dozens of case managers and two legal services organizations to assist clients with applications and appeals of Social Security claims. It also provides assistance to individuals re-entering the community following periods of incarceration, including pre-release application assistance, driver's license reinstatement, public benefits access, record sealing, and other work to remove civil barriers to successful reentry.
- In Alabama, the Alabama Law Foundation, which distributes IOLTA funds in the state to volunteer attorneys, created the Birmingham Bar Volunteer Lawyers Program, which implements training to allow volunteer attorneys to provide legal assistance and representation in civil matters. The program has helped approximately 1,600 low-income clients annually through Help Desks for per se litigants in the district and domestic courts.
- The Chicago Bar Foundation (CBF) consistently performs outreach to the state class action bar, the state and federal courts, and other stakeholders, to provide information about CBF and the many individual

legal services organizations it serves in the community. These efforts collectively have generated \$1.5 million per year in recent years for CBF and a number of individual legal service organizations.³

Resources:

- [Select Federal Agency Resources](#) (Department of Justice)
- [Supreme Court Leadership on State Legislative Funding for Civil Legal Aid](#) (American Bar Association, 2015)

Create a Streamlined Screening and Referral Process

Communities should adopt a streamlined screening and referral process, so that all agencies serving individuals experiencing homelessness are able to identify individuals with legal barriers and quickly connect them to the appropriate legal service. Using a standardized and credible screening and assessment tool can help communities evaluate an individual's and family's legal needs and identify issues where legal interventions are appropriate. Providers should also be trained to make referrals and equip legal services providers with information and resources needed to address the unique legal needs of individuals experiencing homelessness.

Resource:

- [Legal Aid Check Up for Low-Income Veteran Families](#) (Stateside Legal)

Develop a "Homeless Court" Program

Homeless courts are a way for communities to assist people experiencing homelessness to resolve outstanding citations and misdemeanor offenses that can prevent them from accessing housing and services. Homeless courts build on partnerships between the court, prosecutor, public defender, and local service agencies to remove legal barriers for people experiencing homelessness. Instead of receiving fines or being placed in custody, a defendant who is experiencing homelessness might receive a plan designed by case managers to address the underlying causes of their homelessness. Alternative sentencing might include English literacy classes, employment training, substance use treatment, or volunteer work. Homeless courts are frequently located in shelters or other community-based locations familiar and accessible to individuals experiencing homelessness. The American Bar Association's Commission on Homelessness and Poverty provides free technical assistance for communities seeking to develop a homeless court.

Example:

- The San Diego Homeless Court Program (HCP) is the nation's first homeless court program, and continues to be a leader in its field. Defendants experiencing homelessness sign up for HCP through their Homeless Service Agency and are entitled to all protections afforded by due process under the law. HCP addresses a broad spectrum of misdemeanor offenses and offers a plea structure different from a traditional court proceeding, emphasizing program activities that move their lives forward and lead to self-sufficiency. The alternative sentencing a homeless defendant receives is never coercive or punitive in nature, but designed to address the causes of a person's homelessness and recognizes the person's efforts to make improvements in their life. Between 2009 and 2012, HCP resolved nearly 7,000 cases.

Resources:

- [Searching Out Solutions: Constructive Alternatives to the Criminalization of Homelessness](#) (USICH, 2012)

³http://www.americanbar.org/content/dam/aba/directories/pro_bono_clearinghouse/ejc_2014_032.authcheckdam.pdf

- [The American Bar Association’s Webpage on Homeless Courts](#) (American Bar Association)
- [San Diego’s Homeless Court Program’s Webpage](#) (San Diego Homeless Court Program)

Form Medical-Legal Partnerships

A number of legal issues are inextricably linked to health outcomes. The American Bar Association reports that most low-income individuals in the United States, on average, have two to three health related civil legal needs, such as social, financial, or environmental problems that affect a person’s health and that can be addressed through legal services.⁴ By forming a medical-legal partnership, lawyers are embedded alongside health care teams to provide wrap-around and integrated health care, case management, and legal services. These partnerships can be helpful in reaching vulnerable people experiencing homelessness and reducing health care spending on high-need, high-use patients.⁵

Example:

- In Los Angeles, California, the Homeless Veterans Project (HVP) and the Los Angeles-based Inner City Law Center formed a medical-legal partnership. HVP attorneys work with the VA’s Homeless Patient Aligned Care Teams to connect homeless individuals with transitional housing and mental health services, while attorneys are used to help secure benefits for Veterans experiencing chronic homelessness.

Resources:

- [Medical-Legal Partnerships and Health Centers: Addressing Patient’s Health Harming Civil Legal Needs as Part of Primary Care](#) (George Washington University, 2015)
- [The Medical-Legal Partnership Toolkit](#) (George Washington University, 2015)

Ensure Strong Connections Between Case Management and Legal Services

Civil legal services can play a role helping people experiencing homelessness reduce barriers to employment, housing, benefits, and other obstacles for individuals with a criminal history. Coordination between case management providers and civil legal attorneys is critical in order to facilitate the identification of legal issues when they arise and help vulnerable populations secure basic necessities such as healthcare, housing, government benefits, employment, and educational services. Homelessness service providers might consider retaining legal counsel to serve on staff and provide legal services.

Example:

- In 2011, Alameda County, with the support of the Walter S. Johnson Foundation, began a three-year demonstration project to provide unaccompanied minors and young adults experiencing homelessness with shelter, supportive services, and free civil legal representation. The project was a collaboration between Bay Area Legal Aid, DreamCatcher Youth Services, and the Alameda County Foster Youth Alliance. Attorneys and shelter staff met weekly to coordinate services and planning, and an attorney was on-site at the shelter at least one evening a week to conduct a legal clinic. During the demonstration period, 270 youth received civil legal representation in 415 separate legal matters.

⁴ <http://medical-legalpartnership.org/wp-content/uploads/2015/08/Medical-Legal-Partnership-and-Health-Centers.pdf>

⁵ <http://medical-legalpartnership.org/mlp-response/impact/>

Resources:

- [Legal Services Partnership for Youth](#) (Legal Counsel for Children and Youth)

Conclusion

In order for people experiencing homelessness to quickly get back on a path to stability and self-sufficiency that will advance their economic opportunity, they need access to the tools that will reduce the legal barriers they face. Legal services providers can play an essential role in removing such barriers to permanent housing and supportive services, helping to further accelerate progress toward preventing and ending homelessness in this country.