



## National Coalition for the Homeless Newsletter

NCH NEWS

April 14, 2010

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Part of our Past, NOT our Future

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### Judge Rules in Favor of the Homeless: Court Orders Defendant Companies to Pay Homeless Employees the Minimum Wage

Washington DC. On January 28 and March 4, 2010, United States District Court Judge Richard J. Leon of the United States District Court for District of Columbia issued injunction orders against Butch Enterprises, Inc., Irwin "Butch"; Staten, East Coast Express Eviction, Nelson Terry, Crawford & Crawford, Vincent Crawford, Choya Lord Rodriguez, and Platinum Realty Services, Inc. ("Defendants") in Ashford, et al. v. East Coast Express Evictions, et al.

Defendants were ordered to pay at least the minimum wage to all homeless individuals they employ as evictions workers. The Maryland minimum wage is \$7.25 per hour, as is the federal minimum wage. In the District of Columbia, the minimum wage is \$8.25 per hour, with a required payment for least four hours (\$33) for each day of employment, even if the individual works fewer hours that day.

Judge Leon prohibited Defendants from forming any agreements among themselves or with third parties to pay their workers less than the minimum wage. He also required that Defendants keep written records consistent with minimum wage laws for any services performed by homeless evictions workers.

The injunction is an important victory in the fight to gain the protection of labor laws for the District's homeless population. The case came to the public's attention by Washington, DC's street newspaper, Street Sense. The case was subsequently featured in the Wall Street Journal.

The class action complaint was filed in 2006 on behalf of a class of homeless individuals who were employed by Defendants as day laborers to conduct evictions in Maryland and the District. The National Coalition for the Homeless is the official client for the case.

The complaint alleged that Defendants routinely refused to pay the evictions workers according to state and federal minimum wage laws and that Defendants conspired to suppress wages. Armed with Judge Leon's injunction, a homeless evictions worker can now demand to be paid according to applicable minimum wage laws.

Neil Donovan, executive director of the National Coalition for the Homeless, the client in this case said, "This decision is immediately important to so many un-housed American workers and a significant step forward towards both equal-pay-for-equal-work and a Universal Living Wage."

Judge Leon will rule at a later date on the appropriate level of monetary compensation for Defendants' past failures to pay minimum wages to homeless evictions workers.

The injunction was secured by Cleary Gottlieb Steen & Hamilton LLP, Washington, DC, who represented the plaintiffs on a pro bono basis.

The law firm continues to monitor compliance and to seek out additional plaintiffs. The pro bono lawyers have been doing outreach at shelters and meal programs. NCH interns are helping the day laborers with writing up affidavits.

### NCH Across the Country

#### Faces of Homelessness Speakers' Bureau is Expanding

The Faces of Homelessness Speakers' Bureau is a program of the National Coalition for the Homeless that is comprised of people who are or have been homeless and works to educate the public about homelessness and what can be done to end it. The Washington-based National Speakers' Bureau was initiated in 1996. During the last year, this National Speakers' Bureau gave a record 390 presentations, speaking to over 20,500 people from over 40 states, traveling to 13 states.

In 2007, with generous support from the Corporation for National Community Services, NCH began collaboration with local coalitions, service providers and the AmeriCorps\* VISTA program to create new Speakers' Bureaus across the state of Florida. NCH expanded the program to Georgia and South Carolina in 2009. Each new

Speakers' Bureau has been modeled off of the National Bureau and is staffed by an AmeriCorps\*VISTA volunteer. The project is currently composed of 32 VISTAs and 1 VISTA Leader at 21 sites, and over 200 currently or formerly homeless panelists who have shared their experiences with homelessness on presentations.

In 2009, the Florida Bureaus alone gave a whopping 632 presentations to 56,783 people. The program continues to grow by leaps and bounds. In addition to the year-round program, NCH will be operating a special Summer VISTA program for the second year in a row. This year's 18 Summer VISTAs will be working in all three states to supplement the work of the current VISTA members and assist them with special projects.

With continued support from AmeriCorps\*VISTA, plans are being finalized to expand to at least six additional states starting this summer. NCH is proud of the hard work of the VISTA members helping to educate their communities about the root causes of homelessness and what can be done to help to end homelessness. For more information about the Speakers' Bureau or the VISTA Project, check out [our website](#) or contact [Michael Stoops](#) or [Michael O'Neill](#)!

#### **Upcoming Faces of Homelessness Presentations**

Our Speakers' Bureau is working with lots of college students this Spring providing alternative Spring Breaks. To find out more information about when and where presentations are happening, please visit: [The Speakers' Bureau Gig Schedule](#).

If you are interested in attending any of these events, please contact Michael O'Neill, [moneill@nationalhomeless.org](mailto:moneill@nationalhomeless.org).

### **Policy Updates**

#### **Bill Introduced to Make Permanent the *Protecting Tenants at Foreclosure Act***

On March 4, Representative Keith Ellison (D-MN) introduced legislation to repeal the sunset date for the Protecting Tenants at Foreclosure Act (PTFA).

The PTFA, which was enacted May 20, 2009 (P.L. 111-22) requires the immediate successor in interest at foreclosure (the person or entity acquiring title at foreclosure) to provide bona fide tenants with 90 days' notice prior to eviction. Bona fide tenants with leases must be allowed to occupy the property until the end of the lease term, except the lease can be terminated on 90 days notice if the unit is sold to a purchaser who will occupy the property. Tenants with Section 8 housing choice voucher assistance have additional protections that allow them to retain both their Section 8 lease and require that the successor in interest assume the housing assistance payment contract associated with that lease.

Currently, these provisions are set to expire at the end of 2012. H.R. 4766 would eliminate the sunset in the current law and extend the PTFA protections indefinitely. Representatives Maxine Waters (D-CA), Michael Capuano (D-MA), and Carolyn Maloney (D-NY) joined Mr. Ellison in introducing this bill. H.R. 4766 was referred to the House Committee on Financial Services.

#### **Federal Strategic Plan Comment Period Ended**

The Interagency Council on Homelessness public comment period on the Federal Strategic Plan to Prevent and End Homelessness is now over. The ICH has provided a summary of the comments at <http://www.ich.gov/PDF/USICHWhatWeLearned.pdf>. The ICH is required to present the plan to Congress by May 20th of this year and appears to be holding to that schedule.

#### **NHTF Campaign Launches New National Sign-On Letter; All Organizations Urged to Sign-On Online**

In order to persuade Congress to take immediate action to capitalize the National Housing Trust Fund, the NHTF campaign is urging local, state, and national organizations to sign-on to a letter to Congress. The letter, with signatories from each state or Congressional district will be sent to every Senator and Representative to show them how significant the support is for the National Housing Trust Fund in each of their districts.

Local, state, and national organizations, including nonprofits, congregations, labor unions, corporations, and government agencies, are asked to sign the letter at [www.nlhfc.org/sign](http://www.nlhfc.org/sign). Please forward the alert to your networks as well.

### **Take Action**

#### **National Day of Action Around the Universal Living Wage: April 15th**

The Universal Living Wage Campaign and the National Coalition for the Homeless and more than 1,700 national, state and local organizations, businesses, religious groups and unions across America will be holding educational demonstrations across the country this Thursday.

American business has grown to rely on governmental subsidies to pick up that portion of the basic wage that they have failed to provide. Workers have been forced in ever increasing numbers to depend on food stamps, general assistance, TANF, and even the Earned Income Tax Credit, EITC, which Congress intended to be emergency, stop gap measures. Instead, many businesses have used these governmental supports to meet basic payroll. A national shift is occurring from business responsibility of paying a "fair wage for a fair day's work" to creating an ever increasing burden on tax payers.

The Universal Living Wage Campaign believes that if business paid its employees a fair living wage, we could dramatically reduce the burden to tax payers across America. Additionally, it is possible that passage of the

Universal Living Wage would end homelessness for over 1 million minimum wage workers.

Visit [www.universallivingwage.org](http://www.universallivingwage.org) to find an event near you and take action today!!

#### **National Training Announcement: Homelessness Prevention & Housing First/Rapid Rehousing**

Beyond Shelter announces a two-day Technical Assistance Institute on Homelessness Prevention and Housing First/Rapid Rehousing to be held at the Wilshire Grand Hotel in Los Angeles, California May 26-27, 2010. Attendees will learn from the experts who have been running Housing First and Rapid Rehousing programs since the late 1980's in a skills-based, 'how-to' training in program design and implementation geared towards strengthening existing homelessness prevention and Housing First/Rapid Rehousing programs, including HPRP programs, and supporting the development of new ones. The two-day training will include targeted workshops providing step-by-step strategies and practical tools covering areas such as targeting financial assistance and services, landlord recruitment, program planning, inter-agency collaboration, and performance measurement.

For more information or to register, view the training brochure at [www.beyondshelter.org](http://www.beyondshelter.org), or call 213-252-0772.

#### **Update on Food Sharing Restrictions - Send in Your Stories**

The National Coalition for the Homeless (NCH) and the National Law Center on Homelessness and Poverty (NLCHP) published a [report](#) in 2007 outlining types of food sharing restrictions, such as ordinances and policies that discourage or prohibit individuals from sharing food with people experiencing homelessness. The report also highlights constructive alternatives to food sharing restrictions, profiling cities that have explored innovative ways to facilitate food sharing outside the boundaries of food pantries and soup kitchens.

Where does your community fall on this spectrum? As we update the report, we are looking for stories to include about your city. Please send information about any proposed or enacted ordinances that criminalize food sharing or positive ways in which your community or another is facilitating food sharing to [sshubitowski@hungercenter.org](mailto:sshubitowski@hungercenter.org). Please send examples, even if you think we might already know about them. Deadline for getting the information to us: **Monday, April 26th**.

Don't hesitate to contact Sarah Shubitowski of NLCHP at (202)638-2535 or by [email](#), or Michael Stoops at NCH at (202)462-4822 x234 or by [email](#) with any questions.

### **Member Spotlight**

#### **AutoNation Announces the Grand-Prize Winner of Driven to Make A Difference Contest**

When you read Erik Lehmann's story of experiencing homelessness first hand, you can't help but be inspired. What's more amazing is his continuous dedication to helping other homeless children, teens, parents and adults tell theirs. "Through the National Coalition for the Homeless Speakers' Bureau, others will have a chance to experience the kind of reciprocity I experienced. When you tell your own story it's like your own Red Badge of Courage: an amazing thing happens. It not only educates others as to the plight of homelessness in America, it inspires people to get involved and do something about it. I learned that lesson first hand." Erik was asked to tell his story of being a homeless teen to a room full of people. He was apprehensive and more than a little unprepared for what followed. "I told my story on a Friday and on Monday people were reaching out to me asking questions and telling how my story inspired them. I was blown away that my story was of interest to people. I didn't realize the impact it would have."

Erik's commitment to help give a voice and a face to homelessness was just one of the reasons he entered AutoNation's Driven to Make a Difference Contest. The money won would go to the National Coalition for the Homeless Speakers' Bureau and allow the organization to support, train and recruit others so that they can share their own story.

Read Erik's winning essay [here](#).

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