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Homeless - Not Helpless

Using Rights to Get Roofs

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Questionnaire Inside



Shelter Director Leona Smith, front, with residents of the Committee for Dignity and Fairness for the Homeless Shelter, Inc., Philadelphia's user-run facility.

HOMELESS NOT HELPLESS

*The destitute in
Philadelphia—
and across the
country—are
finding shelter
in the law*



By Holly Metz

We are homeless, not helpless, and we will be heard," says William "Chris" Sprowal, president of the three-year-old National Union of the Homeless.

Although not a "union" in the conventional sense—homeless people cannot "strike" as labor unionists do, by withdrawing their labor—the Philadelphia-based National Union has signed up 18,000 homeless men and women in nationwide conventions, organized

sit-ins at government offices, initiated lawsuits, picketed shelters, and seized vacant buildings owned by municipalities. Like traditional unions, the homeless union has a constitution, and elected local officers engage in collective bargaining on behalf of its dues-paying membership. (Dues are set at \$1 per month for unemployed members, and \$5 monthly for those with jobs.) Union representatives admit that dues collection is often sporadic, but add that fundraising is not a top priority.

Says Barbara Range, secretary/treasurer of the Oakland, California local that had 25 of its members arrested during building takeovers in January 1988: "We are interested in empowering homeless people." It is an expression that is being used by homeless unionists across the country.

The estimated number of homeless Americans ranges from 350,000 (the federal government's estimates as of 1982) to 3 million (the estimates made by most homeless-advocacy groups)—but clearly, if successful, the National Union of the Homeless can rally an enormous population of disgruntled citizens. "The homeless have the potential of not playing by the rules at all. They're not welfare recipients worried about their checks," says Public Interest Law Center attorney Stephen Gold, who receives \$1 a year for his services from the National Union. The twelve-year veteran of legal services says the fee "specifically establishes the lawyer/client relationship. *They retain me.* And one of the things my clients have told me is that they don't mind getting arrested. They have nothing to lose."

The union's biggest obstacle may be convincing a psychologically and physically debilitated population that it has something to gain. "Most people who are poor don't complain or organize. They don't go to the zoning board, or the city counsel," observes Washington, D.C., attorney David Crosland, chairperson of the ABA's Subcommittee on the Homeless. Chris Sprowal, who spends most of his time crisscrossing the country to the union's fourteen locals advocating a self-help approach for the homeless, remarks that "a lot of people look at their personal experience, and feel they have failed. When someone says, 'You can do something!', their first reaction is disbelief. They say, 'You're kidding.' And then they say: 'What's your game?'"

"Most people who are able to, spend

their energy in not looking homeless," says attorney Robert Hayes, founder of the New York-based National Coalition for the Homeless. Even though "idleness and poverty" are not crimes, according to the landmark 1972 United States Supreme Court decision *Papachristou v. City of Jacksonville*, which declared vagrancy laws unconstitutional, social stigmatization of street people continues regardless. "Victories aren't won in court," asserts Sprowal. "It happens *before*. If you focus on lawsuits, you will shut your membership out of any benefits you might achieve from that battle." The union's attorney agrees, adding that the role of attorneys "is to make sure the client will be significantly empowered."

Twenty-five years ago Chris Sprowal was an organizer for the the Hospital Worker's Union in New York, but his energy for the homeless issue springs from being homeless himself for nearly a year, after his New Orleans business failed, razing his savings and his marriage. He returned to his native Philadelphia, but lived in fear that former classmates would recognize him and realize that he was down-and-out. He says that he became one out of the "walking homeless," spending hours watching court cases just to be inside, lingering over a single cup of coffee until shelters opened.

Sprowal charges that programs meant to help the homeless actually guarantee the population's complacency, dependency, and hopelessness. In an interview published in a clergy newsletter, he recalled how shelter operators in Philadelphia refused him permission to provide potential employers with the facility's number and address so that he could be contacted if hired. "It was against the regulations," he told the reporter. And in the winter of 1983, he watched Arch Street Drop-In Center employees eject a homeless woman because she could not sit still in the waiting room chair provided her for her night's sleep. After the center's 60 beds were filled each night, as many as 150 men and women would spend the remainder of the evening sleeping on straight-backed chairs in the basement.

Funded by the city, but managed by a nonprofit organization, the center was supposed to be the first tier in a multitiered program leading to permanent shelter possibilities for a small portion

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Laws Against the Homeless

For many homeless people, the law is a force to be avoided, and rights are what other people have. In recent years, legal developments across the country have encouraged their view that legal protections are arbitrary, and that laws are for the "haves" to use against the "have-nots."

In the winter of 1987, the city of Seattle enacted an ordinance prohibiting street people from conducting "aggressive" panhandling. Several city councils in the Sun Belt have entertained measures that would make foraging through garbage without owner permission illegal. And numerous municipalities, including Los Angeles and Santa Barbara, California, have instituted broad anti-public-sleeping ordinances, claiming that the use of public parks and sidewalks by the homeless has decreased public safety and discouraged shoppers from patronizing downtown stores. After homeless advocates threatened to march on the city in protest, the Santa Barbara City Council modified its position, permitting overnight sleeping in certain undeveloped city-owned lots.

At a National Tribunal on Homeless in America, organized last year by the homeless union at the United Nations Religious Center, an unemployed welder from Atlanta testified before a panel of fifteen political, academic, medical, and labor leaders about his arrest in New Orleans for violating an ordinance prohibiting public sleeping. He was sentenced to ten days in the city jail, then made to work as an unpaid laborer on a road repair crew, he said. When arrested a second time for violating the same ordinance, the homeless man refused to perform unpaid labor. For each day he refused to work, five extra days were added to his sentence, until, on the 40th day, he was released.

Some politicians have called for detaining homeless people who refuse city services. New York City Council majority leader Peter Vallone told TV reporters last year that those who declined to use shelters should be

"accommodated in a cell overnight," returning to "the state, the people . . . the right to unencumbered streets and sidewalks." Vallone subsequently modified his proposal, saying that he would back legislation to provide "protective custody" in a shelter or hospital to those resisting city intervention.

Police are already empowered to issue summonses under city health or administrative codes for public urination, and to ticket jaywalkers, but the use of law enforcement officers as the "last resort social worker" has, with the failure of other solutions to homelessness, increased so that "the police have become the first resort," says John Dillon, director of a Skid Row self-help agency in Los Angeles. Homeless people can be arrested "if their behavior is considered extreme."

For the homeless mentally ill, jail has often been society's "treatment of choice," says Jay Centifanti, legal consultant to the National Mental Health Consumers' Association. Psychologist Bill Holcomb, who conducted a study for the National Institute of Mental Health on the incarceration of the mentally ill, told *The Progressive* magazine last year: "When people who have a chronic mental illness are on the street, they are always at high risk of being arrested. They're looked upon as a nuisance." There are no exact figures on the number of mentally ill persons in jail, but Holcomb found that in some states, such as Missouri, mentally ill individuals are seventeen times more likely to be arrested than other people. Although some mental health experts say involuntary commitment to state mental hospitals is facilitated by incarceration, many mentally ill persons remain in jail, receiving psychotropic medication until their release. The number of inmates requiring psychiatric care has grown so large so quickly that some jails, like one in Los Angeles County, even have a mental health center inside the penal institution.

Holly Metz

of Philadelphia's estimated 8,000 homeless. But funding conflicts between two city departments forced the program's second tier to close—a 50-bed facility meant to provide back-up for the Drop-In Center. No other shelter was available in the Center City section of Philadelphia.

Several dozen patrons of the Arch Street Drop-In Center—including Sprowal—picketed the facility, claiming that conditions there were "inhumane." The city eventually arranged for 50 homeless men to reside at the YWCA, provided that they stop using the Drop-In Center, which operators said had been designed to help "chronic" street people, not the unemployed. Sprowal and two other unemployed former patrons had other ideas, anyway. They were going to open a free, user-run shelter.

"It took a while to fulfill the dream of a shelter run by homeless people for homeless people, but we did it. We're the first one in the country," says Leona Smith, director of the nonprofit Committee for Dignity and Fairness for the Homeless Shelter, which opened in the basement of Philadelphia's Spring Garden United Methodist Church in February 1984. The private facility (usually called simply "Dignity Shelter") began when the church provided the space rent- and tax-free, the Red Cross contributed supplies, and a successful grant proposal written by Sprowal and his associates won the organization \$23,700 in emergency federal aid. In four years the nonprofit has grown into a quarter-million-dollar-a-year operation, with most of its funding coming from the United Way and small foundations.

The shelter is the union's operating base, and some of Dignity's resources have been channeled into the national organization. Dignity also hosts a six-week training program for union organizers for the homeless from across the country. Student organizers receive \$25 a week while learning administrative organizing skills in the classroom and on the street. The availability of social services and the legal rights of the homeless also are stressed.

"Homeless people have to be able to address their issues, that affect them," says Smith, a single parent of three. Her family often had been threatened with homelessness, she says, when her paycheck did not cover their expenses. Sometimes because she was ill-informed about assistance programs, they

lived an entire winter without lights or heat. "We have political and educational discussions here. We have an open forum, and everybody who's in this shelter has input into the decision-making process." But the most important thing to remember, says Smith, is that the shelter is a place to move through—not to stay in.

"The shelter turned out to be an amazing stroke," says attorney Gold, who Smith says was involved in the organization "from day one." The Dignity Shelter can "show by example what a shelter can be like," Gold observes. "But also, that you can't have it good with shelters. No one wants to sleep cheek to jowl." No one wants to advocate this idea, but lawyers have often found themselves in that role.

Callahan v. Carey, a class action suit filed by Robert Hayes in behalf of homeless men, resulted in a 1979 Supreme Court order guaranteeing a right to shelter for all applicants. The city of New York was compelled to open buildings for shelter, but overcrowding was so severe that further court action was sought. In August 1981, New York City Mayor Edward Koch, signed a consent decree, which reaffirmed the city's responsibility to shelter homeless men and outlined minimal physical standards to be met by city shelters. Koch later called the decree "the greatest mistake" he's made.

The city refused, however, to apply the terms of the *Callahan* decree voluntarily to homeless women. Hays filed another suit, *Eldredge v. Koch*, on behalf of an estimated 6,000 plaintiffs. The right to shelter and the *Callahan* standards, eventually were extended to homeless women, too.

The consent decree allows for monitoring shelters, and the National Coalition for the Homeless has followed up on this, pushing for enforcement. But the court rulings have put attorney advocates in the position of pushing consent decree compliance to the limits—with the belief that the city will have to seek low-income housing alternatives because of shelter expenses. New York City spent \$543 million in city, state, and federal funds during fiscal year 1987 just to maintain homeless people in the shelter system.

"We'd be glad to make them waste money on the shelter system!" Hayes told the *Village Voice* last summer. "Because politicians are not gonna be moved by humanity; they might be moved by the budget. And if they keep

“ . . . politicians are not gonna be moved by humanity; they might be moved by the budget. And if they keep getting nailed for squandering money . . . sooner or later pressure should build”

getting nailed for squandering money as well as human lives by ridiculously maintaining an expensive shelter system, sooner or later pressure should build to really make housing a priority." That has been the coalition's approach nationwide.

And that approach sometimes has elicited hostility and confusion from street people. Last winter, members of the Chicago/Gary Area Union of the Homeless protested outside of the Chicago Coalition headquarters, accusing the advocacy organization of perpetuating deplorable shelter conditions. Coalition staff members denied responsibility for individual shelter policies. And the advocacy organization's leadership has continued to be outspoken about the awful conditions in municipal shelters.

"I'll tell you the truth about the shelter," says a New York City woman who has chosen to fend for herself rather than go to a city facility. "I'm going to get ripped off; they don't give me enough food to sustain myself; if I do take a shower, when I come out, everything I own is gone. I don't even have a pair of shoes anymore, and if it's winter, what do I do?" She has joined with a group of squatters on Manhattan's ravaged Lower East Side to set up a homeless-to-homeless "field kitchen" that feeds donated rice, beans, and vegetables to an average of 1,000 people each day.

A few of the men who work in the camp live on the city-owned lot in plastic-covered tepees. The local Community Board, however is planning to build a low-income housing project for the elderly on the site. The squatters' eviction seems likely, despite their observations that the neighborhood has more than 160 abandoned city-owned properties available for senior housing. Even such precarious circumstances are preferable to shelter life, they say.

The National Union of the Home-

less began when a few shelter users rejected the shelter system. Unionists initially saw the Coalition as "the professionals and shelter providers, the major movers and shakers in terms of a [shelter] policy that we vehemently opposed," says Sprowal. The union has since "changed tactics," its president pledges, adding that "the National Coalition is not the cause of homelessness." The two groups will agree to disagree on some points and align on others. In large part because of its history of successful suits, the Coalition is powerful in New York, and the union would like to share turf. Although the union's November 1986 New York convention had the largest turnout of any local, organizers say it was "ripped apart" by dissension. Unionists from Philadelphia will soon be sent to reorganize the New York local.

Local conventions have brought together impressive numbers of homeless men and women, generating good press coverage for the union. A rash of building takeovers in Chicago, Detroit, Boston, Los Angeles, Washington, DC, and Oakland, California have also brought publicity. Protestors are frequently arrested (at this writing, Sprowal has been arrested three times during such actions) but charges of trespassing usually are dropped. Sometimes a takeover provokes discussion with city representatives, as it did in Boston in December 1986. There, the Emergency Shelter Commissioner agreed to help the union find an operational base after some squatters' actions. Sprowal says the seizure of vacant public housing will be the union's "rallying cry" in the future.

But thus far only a few cities other than Philadelphia have made concrete gains through union efforts. In New Orleans, unionists renovated an empty warehouse to house 200 of its members. Chicago's local initiated a court battle, with the help of a Legal Services lawyer, to gain voting rights for homeless men

Lawsuits are “a last resort. The courtroom is a good forum for lawyers, but not for the homeless,” says Gold

and women over the age of eighteen. Until Cook County Circuit Judge Joseph Schneider ruled in 1986 on guidelines drawn up jointly by Chicago's election board and the Chicago/Gary Area Union of the Homeless, persons without a fixed address could not register to vote in the city.

“Winning a lawsuit is like icing on the cake,” says Sprowal. Most important is “the mobilizing of public opinion, raising the issue in the public arena. That's a precious right, voting. The public had never thought about it before—that homeless people become non-people because they've lost that right.” (Attorney David Crosland notes that the fate of a homeless person often depends upon political decisions, so denial of the right to vote leaves that person with no political leverage).

In Detroit, early this year, homeless mothers and their children won concessions from the board of education, including pre- and after-school services, following a sit-in at the office of the superintendent of schools.

In other cities, like Los Angeles, unionists have had little impact, despite having signed up 600 members at their convention. “They've done nothing in L.A.,” says John Dillon, director of the Chrysalis Center, a nonprofit agency that provides assistance to job-seekers from the city's Skid Row section. “Basically, it's an unorganized, transient population here,” says Dillon, adding that California's “liberal mental health laws” and lack of housing for the mentally ill have made Skid Row “assume the role of an outdoor asylum.” National advocacy groups estimate that as many as 30,000 people are homeless in Los Angeles, but Dillon believes the street population is much smaller. Homeless people have tried to form mutual support groups in Skid Row encampments, but, says Dillon “as soon as [homeless] organizers start to make it, they leave.”

Sometimes it is a failure in coalition-

building that thwarts organizers for the homeless union. When unionists arrived in Los Angeles from Philadelphia, they sought support from labor unions and received a cold shoulder, according to *Los Angeles Times* reports.

Leadership in the union's locals can be inconsistent. “Building ongoing leadership has been one of the most difficult tasks we've had. Most homeless people have some sort of problem,” says Gold. “And we have to raise money to pay people” who have developed good organizing skills, he says.

Besides providing union halls for conventions and helping with press work, labor unions in some cities sometimes helped financially. Detroit's United Auto Workers contributed \$1,000 to the fledgling union. And in Philadelphia, where it all began, Henry Nicholas, national president of the Union of Hospital and Health Care Employee (AFL-CIO) “has been our staunchest supporter,” Sprowal says. Homeless unionists “feel better about coalitions with other groups that are client-controlled,” notes Gold. Liaisons range from joint actions with tenant's rights groups and self-help mental health organizations in Philadelphia, to working with student peace groups in Oakland.

The union's self-help approach leaves responsibility for the organization's direction with its membership. Thus far, it has not seen the need to establish a network of attorneys across the country. From the beginning, the Philadelphia homeless union organizers and their attorney saw “lawsuits as part of a political process that the client defines,” says Gold. “It is a last resort. The courtroom is a good forum for lawyers, but not for the homeless.” Two years before the Chicago local filed suit to establish their right to vote, the Philadelphia union had confronted the same issue. “The voting case was super-simple to bring to court,” Gold observes. “We could have started when

the first person was denied the right to vote. But we didn't bring it to court for three months—not until the homeless themselves met with the mayor and after there were a number of demonstrations.” The successful suit allowed shelters to be used as voting addresses.

“Mayor Goode? When he does good, we praise him,” Dignity Shelter director Leona Smith says about the Philadelphia local's relationship with the city. “Right now, Goode has done good with Dignity Housing.” After three years of marches, sit-ins at the mayor's office, and significant legal wrangling, the city of Philadelphia has agreed to float a \$7 million Redevelopment Authority bond for Dignity Housing, Inc.—a nonprofit development corporation formed by the Committee for Dignity and Fairness for the Homeless—to renovate 200 apartments and single-family houses, scattered throughout the city. They will permanently house 500 homeless people. The union has twice threatened to sue the city for breaching an April 1985 out-of-court settlement in which “adequate and appropriate shelter” was guaranteed to every homeless Philadelphian. (State regulations prohibiting shelter residents from receiving welfare checks and other benefits were also relaxed after the agreement was signed.) Organizers say that without unrelenting pressure from the union, the alternative to shelter would never have been created.

The 200 properties—which are mostly a combination of VA/FHA repossessed houses and city-owned rehabable units—will be renovated by contractors working with a newly trained and salaried workforce of homeless unionists. Sixty percent of the units will be leased to families: singles will lease the remaining units. The permanent housing part of the plan is met by offering lease-purchase options to 25 percent of the tenants. The purchase option is activated after three years, and during the preceding years, tenants will have participated in a mandatory individualized “life development plan” designed with assistance from a 25-year-old United Way neighborhood revitalization agency, the Philadelphia Council for Community Advancement, and the Mental Health Association of Southeastern Pennsylvania. The plan will foster economic and social self-sufficiency, say organizers. At this writing, Dignity Housing is in the start-up phase.

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"The people who go into these units will be part of a political movement, have community responsibility—unlike public housing projects which are usually just another plantation. The response of local government has been extraordinarily good. They have felt the power of the union," says Gold. "I never thought the union would work. We don't have a major antiwar organization of middle-class white professionals! When we get two hundred homeless people out for a demonstration, it's amazing. It's amazing we have something called the National Union of the Homeless."

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"The National Union of the Homeless is really broad-based, and they're almost as afraid of the stigmatization of mental illness as any other group. Because what happens for a lot of homeless people is that the homeless question always gets focused almost totally on the mentally ill, and they really make up anywhere from ten to twenty-five percent of the homeless population—a relatively small percentage," says Joseph Rogers, founder and president of Project Share, a division of the Mental Health Association of Southeastern Pennsylvania (MHASP) that organizes self-help projects, including those serving the homeless mentally ill. Newspaper accounts which claim that 50 percent of homeless people are mentally ill are making guesses, he says, and new studies conducted in Ohio and New Jersey show far lower figures. Too, a 1983 Task Force Report by the American Psychiatric Association on the Homeless Mentally Ill suggests that a deinstitutionalization process that began in the 1960s, releasing previously "warehoused" mental patients into the community, is not to blame for the number of mentally ill street people, as commonly reported.

The basic problem is a lack of housing. The states reneged on their promise to provide sufficient community-based housing, with services, to those released from state psychiatric hospitals, Task Force members noted. Furthermore, many inexpensive single-room-occupancy (SRO) hotels, which had previously housed ex-mental patients across the country, closed down during the 1970s. Between 1970 and 1982, almost one half of the nation's total supply of SRO units disappeared,

As Joyce Brown tells it, more than a dozen city workers "swooped down on me and took me against my will to Bellevue"

the report stated. Low-income housing was increasingly in short supply, and public assistance could not cover the cost of renting the units that remained on the market.

Like the National Union of the Homeless, Project Share is run and administered by those who have been there. Rogers, a former mental patient who was homeless for nine months before he found shelter and treatment, says "former and present consumers of mental health services battle for those services, as well as for the protection of our rights while using them." Project Share is tied into a nationwide 5,000-member self-help organization, the National Mental Health Consumers' Association (NMHCA), which focuses on the availability of community mental health services, commitment laws, and homelessness.

The homeless union has joined with Project Share members in demonstrations and has sought technical assistance from MHASP for its Dignity Housing program, but J. Benedict Centifanti, NMHCA legal consultant, notes that union leadership has skirted the issue of the mentally ill homeless. "Even in this low-esteemed group, there are gradations of misery—gradations of unacceptable behavior, race, or language," he says. A graduate of the Harvard University MBA/JD joint program, Centifanti found the course of his career altered by mental illness. After his release from a psychiatric ward during the 1970s, Centifanti was asked to work on a New Jersey case involving the right of involuntarily committed patients to refuse psychotropic medications. Counsel "wanted a Harvard-trained lawyer who could talk about what it's like to be *inside* the hospital, as opposed to outside the hospital with a set of keys," says Centifanti.

When Joyce Brown, a 40-year-old homeless woman became the first person involuntarily committed to a locked

psychiatric ward under New York City's liberalized interpretation of the state Mental Hygiene Law, and when the Appellate Division of New York's Supreme Court ruled that her confinement should continue, Centifanti helped prepare an amicus brief in support of the petitioner-appellant. Four self-help groups for the mentally ill—including NMHCA—filed the brief, joining under one umbrella: The Coalition for the Fundamental Rights and Equality of Ex-patients, or Coalition for the FREE. That title says it all, Centifanti says. "Compelled treatment is bad treatment."

As Joyce Brown tells it, on October 28, 1987, more than a dozen city workers "swooped down on me and took me against my will" to Bellevue Hospital. The homeless woman, who once had worked as a secretary for a human rights agency in Elizabeth, New Jersey, was informed by the hospital of her status and her rights, in accordance with New York Mental Hygiene Law (MHL). She then called the New York office of the American Civil Liberties Union (NYCLU), which agreed to provide her with representation. Brown, through her attorney Robert M. Levy, waived her right to confidentially and permitted the press to attend her hearing. Her refusal "to be used as a human guinea pig" in Mayor Koch's controversial test program became one of the nation's hottest news stories.

The city program, initiated a few weeks before her commitment, had been effected without legislation. It permitted the forceable institutionalization of mentally ill homeless persons who were deemed incapable of caring for themselves, and therefore likely to be in harm in the foreseeable future. But did such a person have the right to refuse assistance that he or she did not seek out?

Attorneys for the New York City Health and Hospitals Corporation

Homesteaders: Running the Risk for Housing

There are about 60,000 homeless men, women, and children in New York City. Two hundred thousand families are waiting for public housing. And 5,000 buildings, which were abandoned by private owners, then claimed and boarded up by the city, still stand empty. Increasingly, residents in all five boroughs have begun to take over and rehabilitate vacant city properties.

It's a risky operation. According to city policy, those who seize the buildings and live in them while they renovate are illegal squatters, prohibited from receiving government funding or technical assistance. From July 1, 1986 to December 3, 1987, the city evicted 149 squatters from occupied and vacant city-owned buildings, according to Laura Hardison, Public Relations Assistant for the City's Department of Housing Preservation and Development (HDP). Ejecting squatters is more complicated than it might seem, she says, accounting for the seemingly low figures. Trespass charges are brought against those who have been squatting for less than 30 days; the city must go to housing court to remove anyone squatting for more than 30 days.

HPD spokespersons are adamantly opposed to squatting. It should not be romanticized, they say, because squats are often used as a place "to do business" in the drug trade.

"The police do very little about squatters," says Matthew Lee, who worked on squats and legal homesteads on the Lower East Side of Manhattan for two years before moving to the Bronx, where he works as a building superintendent. "They'll do something if they're ordered by the city. They don't know what's legal and what's not. If you're working, and not doing drugs, you're

okay." Lee has been homeless—on and off—over the past few years, often using his carpentry skills to fix up the abandoned Lower East side buildings he was living in.

In the basement of one of those buildings, he started the *Inner City Press* with a few associates, using a donated mimeograph to churn out 22 pages of Spanish/English political commentary, poems, and housing advice, that would be made available to poor and homeless people across the city. Beginning last fall, volunteers left 10,000 copies in shelters, at check cashiers, and in public libraries. The first issue included a voter registration form with the headline "Know Your Rights and Fight for Them!" In every issue, Lee explained in accessible prose how to turn an empty city-owned building into a home—starting off illegally, and then working toward entry into the city's Urban Homesteading Program. "The only low-income homesteads in New York City that worked were illegal first," claims Lee. "You just have to begin. Once people are working, it makes more trouble to stop you."

Lee had learned about city policy while working on a legal homestead organized by RAIN Community Land Trust, a homesteading group that now represents eleven Lower East Side buildings in various stages of rehabilitation. The Lower East Area Conference, a part of Catholic Charities that has been active in the area for 50 years, acted as a liaison between RAIN and government agencies, offering its funding expertise when necessary.

Since it began in 1980, the city's program has provided grants of \$10,000 to \$13,000 per unit to 264 units in 32 buildings. Nineteen of the buildings have been sold to

homesteaders; the remainder are under construction. For the 17 homesteads still "in the pipeline," up to \$15,000 per dwelling unit will be made available in the form of a 30-year, 1 percent loan, says HPD's Hardison.

Inner City Press writers criticize HPD's bureaucratic procedures which can cause homesteaders to wait five years—as RAIN did with the group's first two homesteads—for title to a building. They published advice to future homesteaders who have first checked city tax books and found a vacant city-owned building:

- Claim your building and put on a door. (This is true whether you are moving right in or just working on the building at first.) A metal door and frame costs \$200 new; it's probably best to scavenge one. Get "technical assistance" from an architecture and planning school; some make plans and give advice for free.

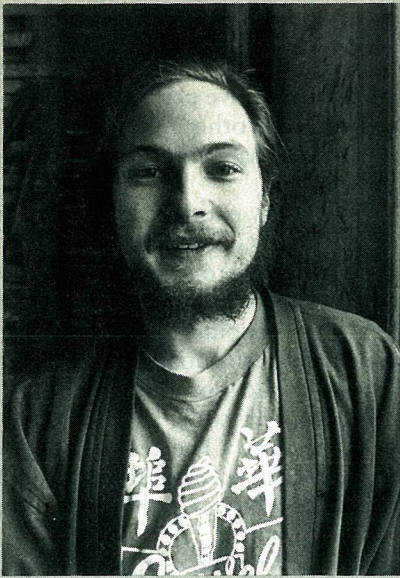
- Start demolition, and clearing out rubble. Take pictures during this stage. They are good for the future when seeking letters of support from community groups, local churches, and when approaching the Community Board, or the city to try to get ownership of the building and money to fix it up.

Such tactics have worked in the East New York section of Brooklyn, which has more abandoned city-owned buildings than any other borough. In August 1985, residents publicly took over 25 buildings, after joining a division of the community-organizing group ACORN (Association of Community Organizations for Reform Now). Eleven squatters were arrested. ACORN, which has divisions in 27 states, had also organized a sit-in at borough offices, trying to get local

(NYHHC) asserted that hospitalizing Brown—even against her will—was a compassionate act by the state, a legitimate exertion of its *parens patriae* powers to intervene as caretaker for the mentally ill. During the first nine months of 1987, Joyce Brown was observed almost 100 times by the Homeless Emergency Liason Project

(commonly known as Project HELP), a clinical outreach team created by Koch to identify Manhattan's mentally ill homeless and facilitate their removal from city streets. Teams of psychiatrists, nurses, and social workers noted that Brown, who lived over a restauranter's hot-air vent on the posh Upper East Side, wore filthy, foul-smelling

clothes, shouted obscenities at city workers, tore up paper money, and defecated in public. Four psychiatrists from Project HELP and Bellevue Hospital who determined she was a paranoid schizophrenic. She was endangering herself by self-neglect, Project HELP staff testified, and her aggressive behavior could provoke oth-



Matthew Lee, *Inner City Press* editor at the Bronx, New York homestead.

government to change city homesteading policies, and to respond to resident demands for low-income housing.

Borough officials contacted the Pratt Institute for Community and Environmental Development, a Brooklyn-based provider of technical assistance and architectural services to community groups, to work with ACORN. When the community-organizing group promised to stop squatting buildings, "it paved the way for a mutual sharing of ideas and financing by the city," Felice Michetti, HPD's first deputy commissioner later told the *New York Times*. The original squatters were incorporated as the Mutual Housing Association of New York, and in October 1987, the New York City Board of Estimate approved a plan for the housing association to retain title to 58 city-owned properties. Funds were made available for technical assistance, and the Consumer-Farmer Foundation agreed to manage the housing association's \$2.7 million revolving loan, provided

for building rehabilitation. For their part, the collective of neighborhood residents would provide "sweat equity"—hours of labor—and minimal funds, to rehabilitate their buildings. Ownership is limited, and the association may offer only rehabilitation expenses, not market value, to association members who choose to sell later. Homesteaders in other boroughs are watching this mutual housing program carefully, for city policymakers have never previously attempted anything like it.

At this writing, *Inner City Press* is working on one building in the Bronx, with plans to open another. All the workers are there because they have read about "new housing that the lower income community itself will control" in the *Inner City Press*. Every Saturday and Sunday, Lee and about ten other homesteaders—mostly recent Puerto Rican immigrants and mostly women—work until dark clearing debris out of a 60-year-old, four-story tenement, on a street commonly used by car thieves to strip cars. Many of the women are single mothers, and some are on public assistance, so they don't want to be identified. "Being on public assistance don't help you build no kind of future," says one woman, who can only take temporary work because she has polio and her legs swell periodically, immobilizing her.

Several of the homesteaders now live doubled up with their relatives, with as many as fifteen people in a one-bedroom apartment. They hope, with city approval, that their building will be completed in a year and a half, with sixteen new apartments for their families. "We may have to make a case, set a precedent," says Lee. "And then we'll need a lawyer. But right now we're taking the law into our own hands. Sometimes you just have to."

Holly Metz

ers to harm her.

NYCLU attorneys noted that Project HELP, with police assistance, had brought Brown in handcuffs to Metropolitan Hospital five times for further psychiatric evaluation, only to be told each time that she could not be retained under the state's MHL, which restricts involuntary civil commitment

to mentally ill persons who are considered to be a danger to themselves or others. Joyce Brown did not meet the standard then, and she was released. In addition, her commitment contradicted federal constitutional law, as interpreted by the Supreme Court in *O'Connor v. Donaldson*. In its 1975 ruling the Court held that confinement

in a mental hospital of a nondangerous individual capable of surviving safely in freedom violated that person's right to liberty. The Court asked:

May the state fence in the harmless mentally ill solely to save its citizens from exposure to those whose ways are different? One might as well ask if the State, to avoid public unease, could incarcerate all who are physically unattractive or socially eccentric. Mere public intolerance or animosity cannot constitutionally justify the deprivation of a person's physical liberty.

Brown may have been malodorous and occasionally surly, and her lifestyle might have been eccentric—dictated as it was by the limitations of street life—but such traits could not justify her commitment against her will. Furthermore, NYCLU attorneys provided their own psychiatric team, which testified that she was not psychotic when they examined her in the hospital.

The nearly "diametrically opposed" psychiatric assessments of Joyce Brown's mental condition, and equally contrary opinions on the likelihood of Brown endangering herself or others, led Acting Supreme Court Judge Robert D. Lippman to "place great weight" instead on "the demeanor, behavior, and testimony" of the homeless woman. He found Brown to be "rational, logical [and] coherent" during the hearing, and noted that hospital tests had found her in good physical health—proof that she was capable of fending for herself on the street. She should be released from Bellevue, he ordered. In his ruling, the judge observed that "freedom, constitutionally guaranteed, is the right of all, no less of those who are mentally ill . . . beggars can be choosers."

NYHCC Associate Council Maureen McLeod, who was a panelist at a New York University School of Law symposium on the mayor's program, remarked bitterly that "in the hospital business" leaving the homeless mentally ill on the street in recognition of their right to liberty, was known as "dying with your rights on." Yet the United States Supreme Court "repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection," Chief Justice Burger wrote for the Court in the 1979 case, *Addington v. Texas*. The court held that the Fourteenth Amendment requires "clear and convincing

“A good percentage of even the most chronic street people could be dealt with. What causes the cycle is the lack of housing”

proof” to involuntarily commit an individual to a mental hospital in a proceeding brought under state law.

The appellate division of New York’s Supreme Court favored Brown’s involuntary commitment on city appeal, but she was eventually released after spending 84 days in Bellevue Hospital. Even before the court of appeals decision came down to prolong her initial involuntary hospitalization, the city asked to have her drugged, Levy says. She protested, and at a hearing a state judge upheld her right to refuse anti-psy-

chotic drugs. In accordance with the New York Supreme Court 1986 decision in *Rivers v. Katz*, “There were two standards to prove, and we won on both,” Levy says. “Even if involuntarily committed to a hospital, a person is deemed competent unless the court finds them incompetent, or proves that they are dangerous to themselves or others.” Brown’s release, however, was not ordered by the court, her attorney noted. Rather, the hospital director decided to release her if she could not be drugged like other patients on the ward.

Levy adds that the NYCLU had a place for Brown to go to for a long time—the Traveler’s Hotel, a Manhattan residence for formerly homeless women—but the city wouldn’t let her leave. With Brown’s departure from Bellevue, appeals have been dismissed as moot, and NYCLU attorneys have moved to have the lower court decisions vacated.

To NYCLU executive director Norman Seigel, who assisted in Joyce Brown’s defense, the homeless woman’s case is significant because *she* has claimed her right to determine her own fate. She is articulate and she will speak for herself. “No longer will the homeless have to rely on lawyers,” he said at the NYU symposium. Chris Sprowal, when asked for his response to the case, was skeptical about its impact. “I don’t know if the case did homeless people any good, but the ACLU looks good. If Norman Seigel wanted to do something significant, he would be out mobilizing homeless people.”

“A lot of people simply are not able to care for themselves without help,” protests attorney David Crosland. “They shouldn’t be institutionalized. As lawyers, we keep getting drawn off in legal issues, and these are not pure legal issues.”

Jay Centifanti agrees that the law has

its limitations, and paraphrases United States Supreme Court Chief Justice Rehnquist, who he says respects intellectually, but not politically: “The law affects about five percent of all human contact. The other ninety-five percent is out there happening, like with Joyce Brown.”

Ex-mental patients are often subjected to “Greyhound therapy” he notes, referring to the shuttling of mentally ill individuals to other communities when hospitals lack bed space or connecting residential services. Self-help advocates did not want to be in the position of litigating for more hospital beds, he says. “The real solution was to make it impossible for the counties to put people in the hospital directly on to the street, and to require—and this is the way we’re approaching current legislation—a series of stepped interventions” before release to the street could ever be justified. Centifanti, who is a board member of the National Association for Rights Protection and Advocacy, suggests offering individuals residences that are scattered throughout the community—to avoid ghettoization—with services constructed around the person. Brief hospitalization in the local, rather than state, hospital, should be available for an acute episode.

To promote self-help organizing, Project Share has developed Homeward Bound, a residential program for homeless adults with long-term illness, and Outreach, Advocacy and Training Services for Mentally Ill Homeless Individuals (OATS). Both are staffed by formerly homeless mentally ill individuals working as caseworkers with the homeless mentally ill.

Funding and support for the residential program, from the Philadelphia Office of Mental Health and Mental Retardation, the state’s Department of Public Welfare, and the mayor’s office, allowed for the purchase of an old bank building that is being converted into low-income apartments and single-room occupancy units. About 25 people will be housed through Homeward Bound, which Project Share coordinators would like to serve as a model for programs in other cities. “A good percentage of even the most chronic street people could be dealt with. You might have to do some rehabilitation because of what the streets have done to them, but you could really break the cycle of homelessness,” Rogers asserts. “What causes the cycle is the lack of housing.”

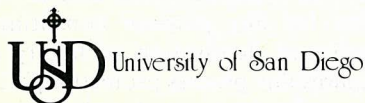
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But Rogers cautions that Project Share "does not want to get into the service business, because we feel that for solutions to a lot of these problems you need to organize and advocate." A program like OATS, which provides "direct on-street outreach" to street people through "a one-to-one mentor/ombudsman approach" shows service providers "you guys can deal with these people," Rogers says. "Because, they'd say: 'You're all recovered mental patients!' But we're talking about the serious, long-term mentally ill."

OATS, which first received a \$100,000 federal grant in 1986, is designed to work with "the resistant people," the ones who reject clinicians' aid. One of the people the program worked with was a notorious Philadelphia street person—"like Joyce Brown," Rogers says—who lived on the corner of Spruce and Broad. Many of the city's service providers could see him on their way to work, noting his filthy appearance. "When he'd get really anxious, he'd come at somebody, but he never hit anyone, and if he got upset, he could yell," recalls Rogers. The OATS caseworker was not afraid, "because she's been in the hospital with people like him, and she brought him in. He's now working here as our graphic designer," Rogers says with a smile.

Centifanti and Rogers acknowledge that the service provided to the former Philadelphia street person—however dramatic—is a small step. And they, like the homeless unionists, are interested in "empowerment." Centifanti notes that Rogers "was instrumental in

getting self-help groups written into" the Stewart B. McKinney Homeless Assistance Act of 1987, which authorized the government to provide more than \$1 billion in emergency aid to the homeless over the next two years. The Project Share director twice had testified before Senate subcommittees on mental health issues, and he had "the

ear" of several members of Congress. Because of his colleague's advocacy, Centifanti says, a paragraph was inserted into the Act "that basically says: And among the groups which shall be favored to use the money shall be self-help groups, with people who are themselves recipients of service for mental illness." 

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