



Mean Streets to Clean Streets: Helping Solve Homelessness in Downtown Nashville, One Lawyer at a Time

by: Marnee L. Baker & Kelly L. Frey

You see them every day in downtown Nashville. Well, you see them at the periphery of *your* world, clutching worn luggage and plastic bags, taking a brief respite from a journey worthy of a Cormac McCarthy novel¹ on a city bench or at the Riverfront or in the park across from the Nashville Public Library. Blank expressions, hopeless eyes, weary bodies caught in a shuffle of a walk in search of food, shelter and occasional kindness.

Hundreds of fellow Nashvillians...homeless...searching tonight simply for a place to sleep.

It is not like we are ignoring the problem. Nationally, we have a \$2 billion per year system designed to deal with homelessness.² Nashville has even joined with 170 other U.S. cities in a nationwide campaign to eliminate chronic homelessness by 2015.³

However, our current approach to solving homelessness is apparently not working...at least not working quickly enough for the 2,300 homeless Nashvillians that will be trying to find shelter against the sub-freezing temperatures tonight. Sadly, with an increase in bankruptcies, the specter of home foreclosures, daily reports of layoffs and job reductions, and personal debt at an all time high, the situation looks to get worse before it gets better.

It is easy to think of the homeless as lazy, mentally ill individuals who lost their homes and jobs because of addiction or criminal behavior and blame them for choosing their lifestyle. It is true that historically a significant percentage of homeless individuals have had a serious mental illness⁴ and many are addicted to drugs and/or alcohol.⁵

However, Nashville's homeless now look a lot more like you and me – displaced victims of an economy living from one paycheck to the next. A cultural shift has occurred in our beloved community in which a whole family can fall prey to that one economic event that takes it over-the-edge and into the population that makes up Nashville's "homeless problem." The new face of homelessness in Nashville is three-year-old Allie Gebhardt, eagerly accepting a hotdog from the Nashville Rescue Mission; she and her mother Jamie, part of the Mission's fastest growing population – women and children (up 32% in the past two years in Nashville).⁶

The Limits of Governmental Intervention

The Metropolitan Government has developed The Strategic Framework for Ending Chronic Homelessness in Nashville as part of a ten-year master plan to “end chronic homelessness” – but in four years it has been able to budget for only a small percentage of the necessary housing units.⁷ With the current crisis in tax revenue collections resulting from the economic downturn, it is highly unlikely that the necessary funds will be available to fully implement this strategy.

Further, in a move criticized by homeless activists but praised by downtown residents and Nashville tourism advocates, the Metropolitan Council has implemented ordinances against panhandling and solicitation in downtown Nashville.⁸ Police officers enforce these ordinances by issuing \$50 citations for “quality of life” violations such as trespassing, public drunkenness and begging after dark.⁹

Meanwhile, the Metropolitan Police Department has identified a group of 446 homeless who have been arrested 100-500 times within a single year for minor violations (trespass, obstructing a passageway, panhandling, public intoxication, disorderly conduct, etc.) – a group that costs taxpayers millions of dollars every year to arrest, incarcerate overnight, then release only to re-arrest the next day – a group that is truly serving “a life sentence one day at a time.”

Envisioning a Solution – One Lawyer at a Time

Current treatment of the homeless in Nashville does not always address the underlying cause. Attempting to fine and punish the homeless rather than offer solutions is obviously counter-productive. Building supported housing is a necessary part of the “long term” solution,¹⁰ and shelters serving food and providing showers and bus passes until such housing is available is survival critical for most of the homeless.

But the most immediate good – the simplest real solutions – may come from counseling.

Connecting the homeless to lawyers could offer some real solutions as part of a coordinated effort within our community to deal with the underlying problems that create homelessness (rather than just deal with the consequences and most visible symptoms of homelessness). We attorneys possess a set of skills invaluable, and potentially life-changing, to the homeless population. At times, some simple legal assistance can be the key to getting someone off the streets and into a fulfilling and productive life.

For the homeless, the “system” scares them. They typically do not know their rights, and are scared and distrustful of the legal system, police officers and lawyers. In their viewpoint, it is law enforcement or the legal system that in some way contributed to their situation of becoming homeless. This is part of an overwhelming sense of hopelessness that keeps them on the streets.

But some of the most pressing problems that the homeless have can often be resolved by one of us lawyers with just a few telephone calls or letters.

For the most part, it has been faith-based, non-profit organizations that have “tended” to Nashville’s homeless problem. There are several of these excellent programs in Nashville that offer free legal assistance to the indigent. However, most of these programs have limited funding and resources, and all are overwhelmed with cases because there is more need for legal services than there is a supply of volunteer lawyers.

With more than 3,000 attorneys in Nashville, if we all pitch in just a few hours per year, we can contribute significantly to the resolution of homelessness in our community.

Much of the assistance that homeless individuals need includes pursuing Social Security benefits or military benefits, working out payment plans for debt, clearing up outstanding warrants for drug offenses or unpaid child support, or renewing or clearing up issues with their driver’s licenses which in turn will allow them to obtain housing or employment. I volunteered at the December 2, 2008 Nashville’s Project Homeless Connect, and assisted individuals with these types of basic administrative issues. That day, over 60 individuals obtained free legal assistance. Most shocking to me was how solvable some of their problems actually were. Most rewarding to me was how grateful and respectful they were for the assistance. And most humbling was it really debunked for me the assumption that the homeless will not help themselves and emphasized the valuable resources we lawyers can bring to bear to solve this very real problem in our community.

If you are reading this, you are probably highly educated and gainfully employed, at a minimum. While each of us has worked very hard to get where we are, to some extent we have also been very lucky. Perhaps it only requires a simple recognition of how simple events could have unfolded differently and therefore, changed our privileged lifestyle to provide the motivation that is required to solve one of the most addressable and pressing needs of our local communities – helping give back a part of the dignity that is lost when one becomes homeless.

H.E.L.P. is coming to Nashville

In 2009, a new opportunity is coming to the Nashville legal community to help with our community’s homeless problem. Homeless Experience Legal Protection (H.E.L.P.) connects homeless individuals with attorneys willing to

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provide free legal services. The initiative was founded by U.S. District Judge Jay Zainey in New Orleans, Louisiana in May 2004. Since its launch, H.E.L.P. has coordinated with local shelters in approximately 15 cities to provide a weekly legal clinic offering pro bono advice and representation for homeless individuals.

The H.E.L.P. clinic will be offered once a week for two hours to provide advice and representation to homeless individuals at the Campus for Human Development's Room in the Inn homeless shelter, located at 532 Eighth Avenue South. Those who staff the clinic will receive a written manual and all of the materials required to help resolve the kinds of matters that arise within Nashville's homeless population (or provide the pertinent referral information to get the individual the appropriate assistance needed).

All that is needed is your time. Most homeless simply need assistance with identifying their problem and advice as to how to obtain a solution. The most common problem for the homeless is obtaining identification. Often, the homeless cannot enter a shelter or be treated at a hospital in non-emergency situations without identification and without identification, arrests are more likely to result. Simply assisting with obtaining certified copies of identifications or a birth certificate can significantly change a person's life and even help them obtain employment and housing. Not only does the assistance help resolve legal issues but it allows the homeless to feel that they have been listened to and provides a sense of belonging in a community that mostly fears and ignores them.

For those more onerous problems involving outstanding warrants for failure to appear or probation violations, a lawyer can negotiate much more favorable terms such as community service or even expungement. Just think about how

much more effectively a telephone call from a lawyer can resolve such issues than one from a layperson (especially a homeless person with limited knowledge and confidence). One does not need a background in criminal law to volunteer with H.E.L.P., but there will be a particular need for attorneys with expertise in criminal law, domestic relations, family law, and social security and veterans' disability benefits to serve as resources to those attorneys who volunteer their time at the clinic.

Please consider volunteering your time to an important goal for our Nashville community. We can make a difference in solving homelessness in Nashville one lawyer at a time. Make a difference... in your community and in someone's life. H.E.L.P. ■



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(Footnotes)

¹ CORMAC MCCARTHY, *THE ROAD* (2006).

² NATIONAL ALLIANCE TO END HOMELESSNESS, *POLICY GUIDE* (July 2007).

³ THE STRATEGIC PLAN TO END HOMELESSNESS IN NASHVILLE 2005-2015, http://www.nashville.gov/mdha/docs/Strategic_Plan_To_End_Chronic_Homelessness_FL-NAL.pdf.

⁴ The Strategic Framework for Ending Chronic Homelessness in Nashville, Sept. 23, 2004.

⁵ JAMES D. WRIGHT, ET AL., *BESIDES THE GOLDEN DOOR: POLICY, POLITICS AND THE HOMELESS* 21 (1998).

⁶ Jennifer Johnson, *Homeless Numbers Increase in Nashville* (NBC affiliate television broadcast July 4, 2008)(transcript and video available at <http://www.wsmv.com/money/16792754/detail.html?rss=nash&psp=news>).

⁷ John N. Lozier, *Aggressive housing plan is the answer*, THE TENNESSEAN, Apr. 11, 2008. The master plan calls for 1800 new units of affordable housing by 2015, for which funding for only 84, less than one percent, had been obtained by April 2008.

⁸ METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY CODE, Ordinance No. BI2007-66 (Feb. 4, 2008); see also Jeff Woods, *Outlawing the Poor*, THE NASHVILLE SCENE, June 4, 2008.

⁹ Issuing these citations contributes to the cost of homelessness, by fining people that do not have spare change, much less the money to pay fines (especially when the fine is for, ironically, begging for money). These unpaid fines then lead to warrants, arrests and jail time – all contributing to the “transaction costs” of Nashville's homeless problem.

¹⁰ Studies consistently demonstrate that it is actually less costly overall to taxpayers to provide low cost “supported housing” (staffed with counselors) than it is to jail, hospitalize and prosecute the homeless. See, e.g., Lisa Gray, *Helping hard-core homeless*, HOUSTON CHRONICLE, Aug. 22, 2007. For example, a study in San Antonio, Texas found that each individual homeless person cost the city \$14,480 per year, primarily for overnight jail costs. Pamela M. Diamond & Steven B. Schnee, *Lives in the Shadows: Some of the Costs and Consequences of a “Non-System” of Care*, HOGG FOUNDATION FOR MENTAL HEALTH, UNIVERSITY OF TEXAS (1991). Ironically, that cost per individual is less than the cost to provide supportive housing for the individual for an entire year. Studies show that providing permanent supportive housing actually contributes to better mental and physical health, greater income from employment, fewer arrests and progress towards self-sufficiency. NATIONAL ALLIANCE TO END HOMELESSNESS, *FACT CHECKER: CHRONIC HOMELESSNESS* (Mar. 2007). Thus, the obvious long-term solution is to provide affordable supportive housing, but in the meantime, much more can be done on an individual basis.