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50 East Washington Street Suite 500
Chicago, Illinois 60602

To: President-Elect Barack Obama
CC: U.S. Congress
From: Shriver Center

In re: Antipoverty Recommendations

1. Strengthen Civil Rights
2. Reform Health Care
3. Fortify Safety Net
4. Solve Federal Fiscal Problem
5. Preserve Affordable Rental Housing
6. Exercise Executive Clemency
7. Foster Career Advancement
8. Link Economic and Workforce Development
9. Ensure Quality Child Care for Workers
10. Build and Protect Assets
11. Legalize Immigrants
12. Guarantee Leave Policies for Women
**Shriver Center Calls for Advocates to “Renew the Promise” at 2008 Awards Dinner**

The Sargent Shriver National Center on Poverty Law celebrated forty-one years of leadership and advocacy accomplishments in health care, child care, housing, work supports, economic security, among others, in Illinois and around the country, at its 2008 Awards Dinner, held on October 7 at the Fairmont Chicago. “Renew the Promise” was the theme of the evening, and speakers called for a renewed commitment to justice and equality of opportunity for all.

Rev. Addie Wyatt, the civil, women’s, and labor rights champion, received the 2008 Sargent Shriver Award for Equal Justice for lifetime achievements. The Reverend Wyatt became the first African American female leader of an international union when she was elected vice president of the United Food and Commercial Workers International Union in 1976.

JP Morgan Chase Midwest Chairman William M. Daley, the philanthropist, lawyer, and former government official, was the keynote speaker. Daley served as secretary of Commerce under Pres. Bill Clinton from 1997 to 2000 and chaired Vice President Al Gore’s presidential campaign.

Diann Burns, the longtime anchor of WLS-TV and WBBM-TV in Chicago, was the emcee.

Shriver Center President and Director of Advocacy John Bouman described some of the Shriver Center’s key accomplishments over the past year. The Shriver Center led a campaign that won a 9 percent increase in the Illinois Temporary Assistance for Needy Families grant amount as well as efforts to preserve hundreds of units of affordable housing in the Grove Parc complex in the Woodlawn neighborhood in Chicago and help low-income tenants in Rockford, Illinois, fight an attempt to move them out of a gentrifying area with no place to go. In Rockford those tenants now have the right to resettlement in mixed-income communities of opportunity.

A groundbreaking Illinois group—the Ensuring Success in School Task Force—led by the Shriver Center is developing the best practices for schools to follow in helping students who are parents, or pregnant, or victims of domestic abuse or sexual violence. For the first time, the Shriver Center released what is planned to be an annual scorecard, grading every member of Congress on their votes on key antipoverty issues. The Community Investment Unit’s work promoting financial literacy and asset building continues.

**Clearinghouse Review**, a Shriver Center tool that generates and sustains antipoverty advocacy around the country, promoted these developments. The editorial team produced the September–October 2008 Review special issue on legal issues affecting low-income elderly people and presented a webinar on legal strategies for helping tenants in foreclosed rental properties. The Shriver Center’s advocacy and leadership in these and other areas are demonstrated in this November–December issue.

**States Develop Their Own Job Training Programs**

As federal funding for job training and employment programs declines, many states have turned to funding their own programs through a payroll contribution system modeled on the unemployment insurance (UI) program. These developments are outlined in a September 2008 report by David John Fischer of the National Employment Law Project. Entitled “Expanding State Education and Training by Partnering with the Unemployment Insurance Program,” the report profiles programs in California, New Jersey, Minnesota, and Maine.

Federal funding for job training and employment programs, much of it coming under the Workforce Investment Act (WIA), declined 20 percent from 2002 to 2007. Many states have created programs that are not limited by rules in the WIA because, instead of relying on federal funds, they are generally funded through a payroll tax on employers, the same way UI programs are funded. But, as required by federal law, the payroll assessments are kept entirely separate; UI revenue is not diverted to support non–UI services. One concern that the report points out, however, is that business communities have tended to demand a reduction in UI tax rates when new assessments for education and training programs are created.

In California the Education and Training Panel (ETP) has provided over $1 billion to train more than 660,000 workers in over 60,000 companies since 1983. The largest and one of the most successful programs of its kind, with a documented return of five dollars for every dollar invested in training, ETP is funded through a tax on participating employers.
New Jersey’s program is unique in that it is funded through payroll taxes on both employers and workers. Money most commonly goes to training grants for companies to train employees or individual training grants to displaced workers.

Minnesota’s program raises approximately $35 million per year through a 0.1 percent tax on employers. This supports training grants for businesses, providers of low-income employment services, and others. Maine’s Skills Scholarship Program, established in 2007, gives workers the opportunity to earn educational credits.

The report advises that efforts to create these new programs work best in states with stable and solvent UI funds. There should be no trade-off between providing basic UI benefits and delivering these additional job training and employment services. A strong counterweight to the business community, particularly in the form of organized labor, is crucial in establishing effective education and training funds. There is a concern that in some cases training dollars may go to employers that could afford it themselves.

A chart summarizing the programs in twenty-four states is included in the report. The full report is available at http://nelp.3cdn.net/5c6528a372a1bc0ff6_8vm6bhjlr.pdf.

New Law Extends SSI Benefits for Refugees and Asylees; Shriver Center Has Long Advocated on This Issue

Refugees, asylees, and certain other humanitarian immigrants are eligible for Supplemental Security Income (SSI) benefits for at least two additional years under a new federal law that took effect on October 1, 2008. The SSI Extension for Elderly and Disabled Refugees Act allows humanitarian immigrants to receive SSI for nine years, up from a seven-year limit. The law covers those who previously lost benefits due to the time limit and provides an additional third year of benefits to those whose citizenship applications are pending at the end of the two-year extension.

SSI benefits are monthly grants paid to very low-income seniors and people with disabilities. U.S. citizens may receive SSI indefinitely, but the 1996 federal welfare reform law and subsequent amendments placed major limitations on the eligibility of immigrants for SSI. For the first time, a time limit was imposed on refugees and asylees, who by definition have fled persecution in their native lands and been granted the right to resettle in the United States permanently on humanitarian grounds.

Due to the seven-year time limit, many humanitarian immigrants get cut off from SSI while waiting through long processing delays on their applications for permanent residency or citizenship, over which they have no control. According to the Social Security Administration, forty thousand refugees, asylees, and other humanitarian immigrants would have lost SSI before 2012 under the seven-year time limit. An additional problem is that many older immigrants face difficulties in meeting citizenship requirements due to language and cultural barriers or physical and mental impairments, such as post-traumatic stress disorder and other mental disturbances as a result of being tortured and witnessing the execution of close family members.

The Shriver Center has worked extensively on the issue of expanding humanitarian immigrants’ access to SSI benefits. In 2006 the Shriver Center helped bring a national class action lawsuit, Kaplan v. Chertoff, on behalf of refugees and asylees who faced the loss of SSI benefits due to administrative delays in processing residency or citizenship applications. The case was settled in March 2008, with an agreement that these types of applications be expedited (see Government to Expedite Green Card or Naturalization Applications for Refugees and Asylees Reaching the Seven-Year SSI Limit, 42 CLEARINGHOUSE REVIEW 182 (July–August 2008)).

Shriver Center advocates also helped enact in 2004 an Illinois law that offers replacement financial assistance to refugees and asylees whose SSI benefits are suspended due to the seven-year limit. These humanitarian immigrants receive $500 per month, 90 percent of the maximum SSI benefit. Shriver Center Senior Attorney Dan Lesser helped pass the law (see Dan Lesser, Illinois’s New SSI Replacement Program for Refugees and Asylees: An Advocacy Success Story, 38 CLEARINGHOUSE REVIEW 402 (Sept.–Oct. 2004)).

Humanitarian immigrants who were cut off on or after October 1, 2007, should have their SSI benefits automatically reinstated effective October 1, 2008. Those cut off before October 1, 2007, should receive a letter from the Social Security Administration asking them to come into their local SSA office for an interview and to prove that they meet certain requirements. Further information about the new federal law is available from the National Immigration Law Center at www.nilc.org.
Voting Guide Available for People with Mental Disabilities

A guide to issues and laws affecting the voting rights of those with mental disabilities is available from the Bazelon Center for Mental Health Law and the National Disability Rights Network. “Vote. It’s Your Right” is intended for those with mental disabilities and their advocates as well as election officials and mental health providers.

The guide focuses on four areas of concern to mentally disabled voters: state voter-competence requirements, state photo-identification laws, voter challenges, and helping voters with disabilities.

In all states, only a court may rule that an individual lacks the competence to vote. Election officials and poll workers do not have such authority. The guide urges all who are told that they cannot or may not vote on Election Day to demand a provisional ballot.

About fifteen states and the District of Columbia have laws that prevent voting by individuals who are under guardianship or who have been judged mentally incompetent or mentally incapacitated by a court. Twenty other states require that a court specifically rule that an individual lacks the capacity to vote in order to bar the individual from voting. Eleven states—Colorado, Idaho, Illinois, Indiana, Kansas, Maine, Michigan, New Hampshire, North Carolina, Pennsylvania, and Vermont—have no disability-related voting restrictions.

According to the guide, as of June 2008, seven states ask voters for photograph identification. In five of those states, voters without a photo-ID may submit an affidavit or other forms of identification or both in order to vote. In Georgia and Indiana, voters without a photo-ID may vote only with a provisional ballot. Voters who need help in voting because of a disability have the right to assistance from friends, family, poll workers, or almost anyone else. Nursing or group homes, hospitals, and other such facilities must assist voters who need help in registering to vote, getting to the polling place, or applying for and completing absentee ballots.


Scorecard Grades States on Protections Against Abusive Lending

State regulations protecting consumers from abusive interest rates are evaluated in an August 2008 report from the National Consumer Law Center, the Consumers Union, and the Consumer Federation of America. The scorecard looks at the maximum annual percentage rates (APR) on four small dollar loan products: payday loans, auto-title loans, and two short-term installment loans. A pass or fail grade is awarded to each loan product based on whether the APR is lower (pass) or higher (fail) than 36 percent.

The 36 percent cap is common in state law and has been endorsed by Congress for certain loan products.

Eight states and the District of Columbia received passing grades on all loan products. They are Arkansas, Connecticut, Maryland, New Jersey, New York, Pennsylvania, Vermont, and West Virginia. Fourteen states received failing grades on all loan products. They are Delaware, Idaho, Illinois, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, South Carolina, South Dakota, Tennessee, Utah, and Wisconsin. States received the worst grades on payday loans, with thirty-eight states failing to protect consumers against high-cost payday loans. The report has a state-by-state chart with loan products and grades. The full report and scorecard are available at www.consumerfed.org/pdfs/small_loan_scorecard_08.pdf.

Foreclosure Webinar Hosted by Clearinghouse Review; Full Presentation Available Online

Three housing law experts presented strategies for helping tenants in rental properties subject to foreclosure in a webinar sponsored by the Clearinghouse Review Editorial Team. The webinar on “Helping Low-Income Tenants Avoid Post-Foreclosure Evictions” drew more than two hundred attendees from around the country on October 2.

Judith Liben, senior housing attorney at the Massachusetts Law Reform Institute, discussed her work in Massachusetts, where state law holds that foreclosure does not terminate tenancy. Advocates there have been successful in representing individual tenants but, due to the sheer volume of foreclosures, are able to help only a small percentage of those in need.
Maeve Elise Brown, executive director of Housing and Economic Rights Advocates in Oakland, spoke about the situation in California, which leads the nation in foreclosures. She talked in part about the novel approach of raising lack of standing as an eviction defense. Advocates have had some success in claiming that, since so many mortgages have been securitized and have changed hands so many times, the entities bringing foreclosure cannot show proper ownership of the debt.

Esme Caramello, clinical instructor at Harvard Law School, outlined strategies for helping Section 8 tenants in foreclosed properties. She discussed using a preemption argument to stop evictions since federal law prevents termination of Section 8 tenancies unless “good cause” can be established.


**New Wiki Website Helps Advocates Fight Homelessness**

A collaborative website that will serve as a resource tool for advocates, attorneys, policymakers, and homeless people working to end and prevent homelessness opened in October 2008. The wiki site, entitled Street Lawyer: Legal Tools for Economic Justice, was developed by the National Law Center on Homelessness and Poverty along with twenty other national and local partners. Contents on the site will be developed collaboratively by a community of editors who have expertise on homelessness issues. The site will allow advocacy groups and other users to share and develop resources, ideas, and projects. The wiki is found at http://wiki.nlchp.org.

**Food Stamp Program Has a New Name**

The Supplemental Nutrition Assistance Program (SNAP) is the new name for the federal Food Stamp Program. The change took effect October 1, 2008. It was mandated by the Food, Conservation, and Energy Act of 2008 (the Farm Bill), which became law in June 2008. The change applies to how the Food Stamp Program is known nationally, but individual states are free to use other names. Among other changes are raising and indexing for inflation the standard deduction and minimum benefit, and eliminating the cap on the dependent care deduction. For more information, see the report by the Center on Budget and Policy Priorities at www.cbpp.org/7-1-08fa.htm.

**Join CLEARINGHOUSE REVIEW Readers’ Call Discussion Group**

A new online discussion group gives CLEARINGHOUSE REVIEW readers the opportunity to offer perspectives on various issues and suggest what they would like to see in the pages of REVIEW. The group is open to subscribers and nonsubscribers alike. To join, go to http://groups.google.com/group/clearinghouser-view_readercall.

**CLEARINGHOUSE REVIEW Special Issue on Aging Featured at National Aging and Law Conference**

The CLEARINGHOUSE REVIEW September–October 2008 special issue on the legal needs of low-income elders was featured at the National Aging and Law Conference on December 4–6 in Arlington, Virginia. Each conference attendee received a copy of the special issue (entitled “Let Elders Age Independently and with Dignity: A Call for Advocacy”). With topics ranging from housing protection, to accessing affordable quality health care, to voting rights, and to remedies for victims of criminals who prey upon elders’ finances, this special issue of the REVIEW gives a comprehensive look into elders’ problems and sets forth practical solutions.

Planning for this special issue began at the 2007 National Aging and Law Conference when Ilze Hirsh, the Shriver Center’s vice president of communication programs, led a roundtable on key topics with conference sponsors and attendees. Attorney editor Catherine Dorn Schreiber continued the collaboration; she hosted two planning conference calls and coordinated the publication of the articles for the special issue. With more authors volunteering to contribute than could be accommodated in the special issue, problems of low-income elders will also be the focus of a 2009 article series in the REVIEW.

If you would like to order copies of the special issue ($40 per copy for nonprofit entities and $60 for others), please e-mail maeenglish@povertylaw.org. Individual articles from the special issue can also be purchased at http://www.povertylaw.org/clearinghouse-review/storefront/storefront. Please let us know what you think of this special issue; contact Ilze Hirsh at ilzehirsh@povertylaw.org or Catherine Dorn Schreiber at cschreiber@povertylaw.org.
New Website for Disaster Victims and Lawyers

A new website launched in November provides help for victims of natural disasters and their lawyers. The site—www.disasterlegalservices.org—is sponsored by the American Bar Association, Legal Services Corporation, National Legal Aid and Defender Association, and Pro Bono Net. The site serves as a central resource for legal aid and pro bono lawyers working on disaster issues and can help recruit and mobilize lawyers in the aftermath of a disaster. Victims of natural disasters can find, on the site, information on obtaining disaster relief and legal assistance.

Clearinghouse Review Seeks Success Stories

CLEARINGHOUSE REVIEW articles may directly and immediately assist you in your advocacy to help individuals, families, and communities move out of poverty. Or articles may generate ideas that help you on a long-term advocacy strategy. Do you have any stories of how the REVIEW influenced the work of advocates in helping low-income clients overcome barriers to poverty? Such stories help explain the benefits of the REVIEW to managers as well as attorneys who are beginning their practice in legal aid. Please share these stories with us: contact Ilze Hirsh, editor, at ilzehirsh@povertylaw.org.

Mission Statement

“The mission of the Sargent Shriver National Center on Poverty Law is to provide national leadership in identifying, developing, and supporting creative and collaborative approaches to achieve social and economic justice for low-income people. The Shriver Center fulfills its legal advocacy and policy development mission by (a) representing low-income people on welfare, workforce, housing, and community development issues through legislative and administrative advocacy, collaboration with public and private entities, and, where necessary, impact litigation and (b) managing communication and knowledge services on poverty law and policy–related information through CLEARINGHOUSE REVIEW and the Shriver Center’s other publications, the Shriver Center’s website, training sessions, and the Shriver Center’s Poverty Law Library.”

Board of Directors, Sargent Shriver National Center on Poverty Law
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