



Sent via Electronic and Regular Mail

October 24, 2011

Mayor Stephanie Rawlings-Blake  
City Hall, Room 250  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: Unlawful denial of overflow shelter beds to women in Baltimore City

Dear Mayor Rawlings-Blake:

We write on behalf of the Homeless Persons Representation Project, the American Civil Liberties Union of Maryland, and a number of Baltimore women, to express our deep concern about the City of Baltimore's current policy and practice of providing emergency shelter overflow beds to men only – leaving homeless women to fend for themselves in the cold night streets. This policy unlawfully discriminates against women in violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and the Equal Rights Amendment (ERA) to the Maryland Constitution. We ask you to intervene immediately to remedy this unlawful practice, before it yields tragic results.

The Stop Homelessness And Reduce Poverty Coalition (SHARP), a coalition of advocacy groups for persons experiencing homelessness, has repeatedly raised the problems caused by the City's denial of overflow beds to women, including with you in the attached letter dated October 4, 2011. Yet, despite the urgent need our clients face, the City has taken no action to remedy the situation.

As you know, the City significantly reduced the number of shelter beds, from 350 to 250,<sup>1</sup> when the 24-hour emergency shelter for single adults was relocated from 210 Guilford Avenue to the Harry and Jeanette Weinberg Housing Resource Center on Fallsway ("the Center") in July 2011. In response to concerns about this reduction in beds and the hardships it would create, City officials repeatedly stated that the transition from the old shelter to the new shelter would not take place until a plan for additional overflow beds was in place. But disturbingly, and without explanation, the City set up a plan for overflow beds for men only. When the 175 beds for men at the Center are full, any additional men seeking shelter are transported by bus to the 100-bed overflow shelter. When the 75 beds for women at the Center are full, additional women

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<sup>1</sup> In addition to the 350 beds at 210 Guilford, there were an additional 150 beds for men and women available on Code Blue nights in the winter months.

seeking shelter are simply turned away to sleep in the streets. Women are not permitted at the overflow shelter, no overflow beds have been provided by Homeless Services for women at any other location, and no assistance is being offered by the City to the women turned away from the Center.

It defies any public policy rationale for the City to provide overflow shelter to men and not women. While no one should be forced to sleep on the street, the fact remains that the streets are frequently more dangerous for women than men. Homeless women on the streets are particularly vulnerable to victimization, including physical and sexual assault.<sup>2</sup> Rates of both sexual and physical assault are far higher in the population of homeless women than in the general population of women.<sup>3</sup> Further, homeless women attempting to cope with the experience of victimization on the streets often turn to behaviors, like drug or alcohol use, that put them at further risk and contribute to longer periods of homelessness.<sup>4</sup>

The current situation cries out for intervention: Not only is the City placing vulnerable homeless women at risk of great danger by excluding them from the overflow shelter, it is acting in blatant disregard of the state and federal constitutions.

It is well-established that gender-based classifications are inherently suspect under the Equal Protection Clause of the United States Constitution. Where, as here, the government denies women a benefit it has made available to men, the government must demonstrate “an exceedingly persuasive justification for that action.” *U.S. v. Virginia*, 518 U.S. 515, 531 (1996) (striking down Virginia Military Institute policy admitting men but not women). The City cannot meet the demanding burden here. Its decision to deny women access to overflow shelter beds neither “serves important government objectives,” nor can be said to employ “means ... substantially related to achievement of those objectives.” *Id.* at 533. The Maryland ERA imposes even stricter standards against gender classification. The Maryland Court of Appeals has consistently held that the Maryland ERA “flatly prohibits gender-based classifications, either under legislative enactments, government policies, or by application of common law rules, in the allocation of benefits, burdens, rights and responsibilities as between men and women.” *Burning Tree Country Club v. Bainum*, 305 Md. 53, 64-65 (1985); *Accord Griffin v. Crane*, 351 Md. 133 (1998). The ERA generally invalidates any government action which grants a benefit to one sex and not the other, *Burning Tree* at 70, and makes no exception for classifications based on administrative or fiscal convenience. *See Ehrlich v. Perez*, 394 Md.

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2 Goodman, L., Fels, K., & Glenn, C., *No Safe Place: Sexual assault in the lives of homeless women*, VAWnet, a project of the National Resource Center on Domestic Violence (September 2006).

3 Kushel, M., Evans, J., Perry, S., Robertson, M. & Moss, A., *No Door to Lock: Victimization Among Homeless and Marginally Housed Persons*, *Arch Intern Med.* 2003; 163:2492-2499.

4 Hudson, A., Wright, K., Bhattacharya, D., & Sinha, K., *Correlates of Adult Assaults among Homeless Women*, *Journal of Health Care for the Poor and Underserved*, 2010; 21(4):1250-1262.



691 (2006) (finding government objective of fiscal integrity in a benefits program does not satisfy strict scrutiny review).

To make this troubling situation dramatically worse, women who have sought legal counsel to challenge the City's discrimination recently have been subjected to threats of blacklisting if they do not abandon their legal claims. Staff members of Jobs, Housing, and Recovery, Inc. (JHR), the non-profit under contract with the City to operate the Center, have threatened, intimidated and coerced homeless women seeking shelter, including our clients. Women staying at the Center were told they will lose their beds and will be "blacklisted for life" if they speak with "the lawyers." Please be advised that we take this kind of intimidation and retaliation against our clients very seriously. This conduct is utterly unacceptable and illegal, and we strongly urge the City to ensure that its contractor formally apologizes and retracts its threats.

Due to the great risk of harm our clients face each night, the impending cold weather, and the blatant retaliation by JHR staff; we are willing to forego immediate litigation only if a settlement can be reached by close of business Friday, October 28, 2011. We are available for settlement discussions on October 26, 27, and 28. Please contact Carolyn Johnson at 410-685-6589, ext. 23.

Sincerely,

Carolyn Johnson  
Managing Attorney  
Homeless Persons Representation Project  
1800 North Charles Street, Suite 206  
Baltimore, Maryland 21201  
410-685-6589

Deborah A. Jeon, Legal Director  
Sonia Kumar, Staff Attorney  
American Civil Liberties Union of Maryland  
3600 Clipper Mill Road, Suite 350  
Baltimore, Maryland 21211  
410-889-8555



CC: George Nilson, City Solicitor  
Clients

Enclosure

October 4, 2011

Mayor Stephanie Rawlings-Blake  
City Hall, Room 250  
100 N. Holliday Street  
Baltimore, MD 21202



Re: Request for meeting to discuss lack of overflow beds for  
women consumers at Harry and Jeanette Weinberg Housing and Resource Center

Dear Mayor Rawlings-Blake,

SHARP is a coalition of public and private organizations and individuals that works to increase awareness, promote effective services and advocate for sound public policies in order to *Stop Homelessness And Reduce Poverty* in the Baltimore region and throughout Maryland. Many of the member organizations provide shelter, health care, social services and legal services to people who are homeless or at risk for homelessness.

**SHARP and its member organizations are deeply concerned by the lack of an overflow plan for women experiencing homelessness who present at – and presently are being turned away from – the Harry and Jeanette Weinberg Housing and Resource Center, and we request an urgent meeting to discuss the City’s planned response.** While the quality of the facility is greatly improved from the previous shelter at Guilford Avenue, the new facility has significantly fewer beds available to people in dire need of emergency shelter. At the same time, the City’s “Homeless Census” saw a 20% increase in the number of people experiencing homelessness – most of whom were identified on the street.

The situation is especially dire for women. The new facility has only seventy five beds for women – 100 fewer than previously were available and utilized. This is particularly concerning since – unlike the men, who are bused to another location to accommodate the additional emergency shelter need – there is no overflow arrangement for women. The women who do not obtain one of the seventy five beds designated for women are being turned away without assistance. On the streets, they face clear safety issues.

Months before the new shelter opened, SHARP member organizations repeatedly expressed concern to the Office of Homeless Services about what arrangements would be made for overflow at the new shelter. In the weeks leading up to the new shelter’s opening, representatives from the Office of Homeless Services assured advocates that an overflow plan would be in place by the time the shelter opened. Unfortunately, almost three months after the shelter opened – and despite providers and advocates repeatedly raising the issue to Homeless Services – there still seems to be no plan in place to accommodate women’s overflow.

Over the past few weeks, the SHARP member organizations that provide domestic violence and housing and supportive services to women have noticed a marked increase in the number of callers requesting emergency shelter because the women were unable to access the beds at the Harry and Jeanette Weinberg Center. In response, staff from some of these organizations have gone out to the shelter to observe the process for accessing beds for the night. What they saw disturbed them.

- One woman, a veteran in her mid-50s, has multiple physical health problems and no family support in Baltimore city. She reports that she has been trying unsuccessfully to get into the shelter and has instead had to sleep out on the pavement 13 nights because the beds were full.
- Another woman, a disabled woman in her 60s, has been unable to access a bed because by the time she finishes with dialysis treatment and is dropped off at the shelter, all the beds are full. Being turned away from the shelter not only prevents her from accessing a bed, but also denies her the opportunity to charge the battery on her motorized wheelchair for the night.

Staff from SHARP member organizations who have been doing outreach at the shelter are gathering data and documenting experiences – like these – from women who are turned away. Other organizations have witnessed women forming encampments on the streets. The lack of an overflow plan is causing hardship for women attempting to access emergency shelter – exposing already vulnerable women to additional harm. These women immediately need the provision of emergency shelter and services, akin to what is currently being provided to men.

Because of our concern over the ongoing lack of an overflow plan for women consumers at the Harry and Jeanette Weinberg Center – particularly in light of the safety concerns and turning weather – **SHARP urgently requests the opportunity for representatives from the coalition to meet with you to discuss this situation, hear about the City's planned response and find out how we can support your Administration's efforts to ensure that everyone has access to critical emergency shelter and services.** To promptly arrange a time to meet about this important issue, please contact one of us. Otherwise, we will follow up with your office next week. Thank you in advance for your concern and attention. On behalf of the SHARP Coalition – and especially the organizational members serving the needs of women experiencing homelessness – we are...

Respectfully,

Mary Chesnut  
Chief Executive Officer  
YWCA of Greater Baltimore  
410/685-1460

Katie Allston  
Executive Director  
Marian House  
410/467-4121

Jacqui Robarge  
Executive Director  
Power Inside  
410/889-8333

Janice Miller  
Director of Client Services  
House of Ruth Maryland  
410-261-3015

Dorothy Askew-Sawyer  
Director  
Beans & Bread Center  
410/732-1892

Cc: Tomi Hiers, Deputy Chief of Staff and Director of Mayor's Office of Human Services  
Kate Briddell, Director of the Homeless Services Program