

STETSON LAW REVIEW

VOLUME XXIII

SPRING 1994

NUMBER 2

INTRODUCTION

With this the tenth edition of the Local Government Law Symposium, it is time to reflect back upon the common goals that the Florida Bar Local Government Law Section and the *Stetson Law Review* formulated in the publication of this symposium. This innovative symposium has been in existence a mere ten years, yet has received national recognition as a forum for legal research and discussion in the area of local government law. As we look back into the initial thoughts in the creation of the symposium, we sought to bridge the gap between law students and experienced practitioners for an exchange of ideas and concepts regarding local government law. This joint effort has culminated in a successful, cooperative venture and has allowed a better insight into emerging issues and new approaches to the law.

I would be remiss not to mention and recognize those dedicated individuals at the Stetson University College of Law, the administration, faculty, and students of the *Law Review*. Many thanks to Dean Bruce R. Jacob for his commitment and dedication to this project and to Professors Thomas Marks and James J. Brown, the two faculty advisors who have worked with this project through its first ten years.

One of the ideas that we recognize in the establishment of this symposium is the rapid growth that Florida has experienced. This rapid growth has provided a number of challenges in the areas of housing, education, social services, and the infrastructure to name but a few. It is upon these areas that we have focused this tenth anniversary edition. Specifically, this edition concentrates on the significant challenges faced by local governments in providing services and housing to the increasing number of homeless in this country.

As I write this introduction to the tenth edition, located only some 400 yards from my office is a temporary shelter for Fort Lauderdale's and Broward County's homeless population. This particular

facility consists of tents and is but a temporary facility until such time as a permanent one can be constructed within the area. As we look toward the future, we see the issue of the homeless as an increasingly important one to be addressed by local governments. Tent cities alone will not suffice in meeting these challenges.

As the new presidential administration took office this past year, a significant series of changes were made in the treatment of the homeless by local governments. The new administration brought the plight of the homeless to the forefront of governmental attention and made assisting the homeless population a top priority. The tenth edition of the symposium, therefore, focuses on issues faced by local governments in responding to the priorities set by the new administration. The Articles suggest methods of implementing programs to assist the homeless and also set forth obstacles that still remain to be overcome if such programs are to be effective.

In his Article, *Homelessness at the Millennium: Is the Past Prologue?*, Peter W. Salsich, Jr., explains that the efforts of both the public and private sectors are required to provide housing, increased income, and social services needed to break the cycle of homelessness. Stanley S. Herr and Stephen M. B. Pincus examine the issue of affordable housing in *A Way to Go Home: Supportive Housing and Housing Assistance Preferences for the Homeless*, suggesting changes to the present affordable housing guidelines and the implementation of new standards to assist the homeless in obtaining adequate housing.

Local governments and school boards face unique issues when educating homeless children. In *The Meaning of a Free Appropriate Public Education for Homeless Children: An Analysis of the Stewart B. McKinney Homeless Assistance Act*, Laura Noble explains the special needs of educating homeless children. By analogizing language in the Individuals with Disabilities Education Act to similar language in the McKinney Act, Noble proposes that the courts reinterpret what constitutes a free appropriate public education for the nation's homeless children. Barbara J. Staros analyzes the adequacy of education in property-poor neighborhoods in her Article, *School Finance Litigation in Florida: A Historical Analysis*, and case law is set forth which upheld the distribution of a higher amount of educational funds to students in property-rich neighborhoods.

Despite the programs being established by local governments across the country to assist the homeless, Frank R. Trinity, in his

Article: *Shutting the Shelter Doors: Homeless Families in the Nation's Capital*, discusses a series of cases in which courts have held that governments have no responsibility to provide emergency shelter to the homeless. In *Fighting the Criminalization of Homelessness: Anatomy of an Institutional Anti-homeless Lawsuit*, Benjamin S. Waxman suggests that many governments continue to treat homelessness as a crime and sets forth issues faced in representing the homeless in order to assist attorneys bringing suit on behalf of the homeless.

As we conclude with this tenth anniversary edition, we ask for your continued future involvement. The Florida Bar and the *Stetson Law Review* have just renewed this joint venture for another five years, and we look forward to meeting new challenges and addressing issues of importance to our readers. Please contact us with your ideas for future articles as we go forth into our second decade of publication.

JOHN J. COPELAN, JR.
Local Government Law Section
Symposium Editor