

POVERTY SCHOLARSHIP AND THE LIE (LAW)

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MAMA OF TIBURCIO[∞]

“Call us back when you get served, he said.” My 11-year-old self held the phone, not sure what to say. I was also not completely sure what “served” even meant exactly, but certain that the fast talking lawyer was wrong and should not be hanging up on me.

“You trash better leave my property,” the landlord (or what I call a scamlord, slumlord, lord of the land) had screamed the day before outside our door. He had been threatening to call the cops on my mama and me. He told us we had to leave “immediately” while he was simultaneously shoving multiple pieces of paper under the door that stated we had to leave the apartment in 3 days, 48 hours or 30 days.

In the end, it was a law student intern who had answered the phone at the only no cost law clinic that existed in our whole giant city. He had, as my mama aptly put it, never missed a meal. In other words, he had never felt the pain of hunger, the terror of poLice (police) harassment, the fear of homelessness and certainly not the voice of a screaming, violent scamlord through the keyhole.

TWENTY-TWO EVICTIONS LATER

Twenty-seven years later with 22 evictions and a childhood rife with homelessness, shelters, doorway cots, tents, sweeps, foster homes, poLice

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Tiny has taught Poverty Scholarship, the criminalization of poverty and poor people led liberation, poetry and media at universities and encampments across Mama Earth including Columbia and UC Berkeley. She has authored several essays for The SF Bay View Newspaper, 48 Hills and POOR Magazine as well as books including [Criminal of Poverty: Growing Up Homeless in America](#), co-editor of [A Decolonizers Guide to A Humble Revolution](#), [Born & Raised in Frisco](#) and co-author of [Poverty Scholarship - Poor People Theory, Arts, words and Tears Across Mama Earth](#), [How to Not Call PoLice Ever](#), [Po Peoples Survival Guide Through Covid 19](#) and the Virus of Poverty and the [Homefulness Handbook- How to Build a Homeless, Landless peoples solution to homelessness](#). She also authored two bi-lingual childrens books: [The Hardworker/El Trabajado Fuerte](#) and [When Mama and Me Lived Outside - one families journey thru homelessness](#) (which has become an award winning animated short movie of the same name) and [The Sidewalk Motel - poems and Poshunary from a poverty skola](#) which was released in 2022.

harassment and incarceration not that much has changed. Scamlords still think they “own” Mama Earth, and she is still bought and traded on the commodities market for “income” and profit. Moreover, Black, Brown, and Indigenous poor women/men, children and disabled elders make up the majority of tenants facing eviction. Poor tenants rarely if ever get represented in landlord-tenant law cases in court or in any matters pertaining to their health and safety. Further, the Lords of the Land, as defined by Settler Colonial English Law, still win most if not all of the cases against us, the tenants.

It was necessary for me to drop out of formal institutions of learning at 11 years old so I could enroll full time in the school of hard knocks where I graduated with a PhD in poverteeee (as one of my poems explains). Meaning, I had to learn how to file unlawful detainer responses, bankruptcy filings, car registrations, insurance claims, welfare forms and housing applications. All this while struggling with ongoing and increasing poverty and homelessness with my mama who was disabled and destroyed from her life in poverty.

I joined an unseen workforce of thousands of poor children across Mama Earth that work with their families to survive, to help keep the family alive, interdependently, by any means necessary or die. I am honored that I, a good daughter in the Indigenous sense, was able to help keep my family alive. I am saddened that the formal U.S. schooling systems did not see my care for my mama as a valid reason to miss school, and instead criminalized my family for my repeated absences. In addition, my real-life, hands-on training in law, advocacy and survival weren’t seen as valid forms of education, which they most definitely were and what we later transformed into the theory, everyday practice (and textbook) we call [Poverty Scholarship](#).

While houseless, my mama and I alongside other povertyskolaz launched the poor/Indigenous people-led movement called POOR Magazine. For over 27 years, POOR Magazine has been concretizing the work we were doing to survive into homeless and [poor people-led solutions](#) like Homefulness, PeopleSkool, Decolonize Academy, The Bank of ComeUnity Reparations, WeSearch and the Sliding Scale Cafe.

There are literally hundreds of urgent teachings that this povertyskola would like to cover in this, the first part of a series on Poverty Scholarship and the Law. However, the first teaching must be that the decks are squarely, transparently, and almost arrogantly stacked against poor tenants.

“No, you can’t do an appeal unless you deposit the \$7,000 in back rent you owe the landlord, plus a deposit for 2 more months for the time the appeal process can take,” the judge proclaimed angrily to me. At the time, I was a budding jailhouse lawyer outside of jail without a degree presenting our case “proper” to the Alameda County Court.

My stomach sank, one of many times, knowing that whether we were living in unsafe, uninhabitable conditions or not, there was nothing I could do. Whether it was in a place where the roof leaked, the toilet was broken and never fixed or where black mold stretched across the walls into our permanently damaged lungs, there was nothing I could do. As a legal advocate once told me, the landlord is always right even if they are not.

A POVERTY SCHOLARSHIP INFORMED ADVOCATE VERSUS A LAW SCHOOL TRAINED ADVOCATE

It wasn't so much that the guy was wrong when he said come back to me when you are served when I was only 11. It was the way he said it. The casual disregard for my terror, my mother and my growing anxiety, and the fact he really had no empathy for what we were dealing with or no training to even understand/overstand it. In addition, he was wrong.

This povertyskola lawyer (or jailhouse lawyer outside of jail without a degree) has worked in the community "representing" poor tenants as part of POOR Magazine's street legal clinic for over 15 years. I do this work along with my brothers and sisters, Vivi T, Leo Stegman, Charles Pitts, and Robbie Powellson to name a few of a huge unseen advocacy force of povertyskola survivors. We are not trained lawyers, we are poverty skolaz who know there are many steps that can be taken before you get to the eviction court. Merely telling someone to "wait til you get served" is actually negligent and dangerous.

Scamlords can and will employ multiple tactics of shame, fear, intimidation, aggression and violence against tenants on the rocky and dangerous road to eviction court. It is not a one time paper process. The standard response to tenants in terror of eviction is to "call us when you receive paperwork."

This paperwork is actually a terrifying document called an "Unlawful Detainer." Contrary to these facile instructions, there are many things you can do to prevent that document from ever being served. These are things that are done when you have representation from a lawyer or advocate, such as a letter responding to false claims, harassment, threats and oftentimes illegal presumptions and accusations. Knowing that someone is not alone when being bullied is an extremely powerFULL deterrent to the papers ever being served in the first place. This also serves as support/empowerment for the terrified tenant. It is not safe, smart or strategic to misadvise people when they are facing impending homelessness as once we are "outside" it is almost impossible to get back "inside."

People are in trauma and terror when they have been threatened in their only place of safety. Giving them an ear, hearing the plausibility of their fight, and/or hearing every aspect of the case like habitability or abuse can offer up another series of responses, reactions and arguments that can delay the eviction or derail it completely.

I have drafted and sent countless letters, texts and offers of negotiation. And when I do direct meetings or phone calls, it is necessary I employ my best "white voice" which includes self-trained paralegal vocabulary to respond to escalating landlords. These efforts have led to launching successful negotiations and settlements that completely took cases off courts' calendars and are some of what I teach/share with fellow youth and adult povertyskolas in PeopleSkool for povertyskolaz and Deecolonize Academy Liberation School.

Take the case of John C., a formerly houseless elder living in a Below Market Rate (BMR) housing complex for seniors (or elder ghetto as I would call it), who was being threatened by his scamlord for "hoarding." After a letter and a

series of follow-up calls and emails, we were able to link John C. up with community support workers who helped to clean and unhoard his unit. This supported a new commitment to the scamlord who took the eviction threat off the table. This is just one of countless Poverty Scholarship cases I have advocated for and won!

“We don’t have lawyers to represent tenants,” the local legal aid society told me over the years when I have sought help for myself and other povertyskolaz.

The position of poor tenants is one of complete vulnerability. We have no legal representation and the courts and scamlords know this. In most counties in California, we also have no rent protections or rent control. This means we can be evicted for the color of our hair or any other litany of reasons the scamlords use. Our rent can be raised at the drop of a hat. Our pets are criminalized, our choices are tracked, and our families surveilled. The act of eviction and a low-income tenant’s vulnerability to eviction result in so many people being houseless, why so many of us just see those stacked up decks and humbly walk away. Those decks are loaded up with all the anti-poor people shame this krapitalist (capitalist) system can dish out. Thus, we end up in the sidewalk motel as my mama used to call it.

EVICITION AS ELDER AND CHILD ABUSE

“I will die if I have to leave my home,” said Iris Canada. Iris was a 100-year-old Black elder who was facing Ellis Act eviction from her home of 40 years in San Francisco. Due to high-speed gentrification violence, her longtime home was being flipped into a condominium.

In 2014, after several years of our own povertyskola led WeSearch (my name for poor people-led research), we at POOR Magazine were able to make the correlation and prove that [eviction is elder and child abuse](#). We presented the findings and cases of Elaine Turner, Iris Canada, Ron Lickers and so many more elders who die from the extreme trauma of losing a home as an elder. Despite our work, when we came back for the final meeting to work on the case law, we were met at San Francisco District Attorney George Gascon’s door by armed sheriffs who barred us from coming in. Thus, the work remains unfinished.

In the case of child abuse, eviction causes extreme hardship and destabilization of a family. This is especially true for single parents when their home is lost, like my mama. Over 93% of the WeSearch families we worked with ended up homeless which impeded their child’s education, mental health and ability to thrive. Child Protective

EVICITION = HOMELESSNESS

As poltricksters (politicians) and advocates wring their hands about the rise in homelessness, it is rare that they ever connect the dots to eviction. Right now in the unincorporated part of Alameda County, over 60,000 tenants face imminent eviction with the end of the eviction moratorium.

This is the beginning of a series of Poverty Scholarship-informed Law which includes Family Dependency Court, Criminal Court, Drug/Homeless Courts

and (No) Quality of Life Violations, CONservatorship and “estate” Stolen land/Liberation of Mama Earth law, to name a few.

The Ellis Act must be repealed. Rent control must be instituted across the state. Poverty Scholarship must inform Law, Medicine, Social Work, Counseling and Education at the university level.

I would like to suggest a Reparations Fund or Scholarship for low/no-income law students to get paid a living wage to work in public interest law firms. They would be an asset to those firms wanting to support poor/houseless tenants, houseless individuals, children and families in struggle, and immigrants/Indigenous peoples.

I invite institutions of Law and Medicine to send their students to PeopleSkool and invite this povertyskola in to teach, speak and present as an act of radical liberation. The courts can truly be transformed into places of negotiation, radical sharing, liberation and support instead of their current state of harming, destroying, incarcerating, abusing and killing.