

From Wrongs to Rights:

The Case for Homeless Bill of Rights
Legislation

**NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY**

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The Case for Homeless Bill of Rights Legislation

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What is a Homeless Bill of Rights?

- Powerful legal tool that can protect the civil and human rights of homeless people
- Prevent common forms of discrimination
- Help homeless people realize the rights many take for granted
- Help lay a legal foundation to end homelessness
- Enacted at both the state and local levels



Why are Homeless Bills of Rights Needed?

- 3.5 million Americans experience homelessness each year.
- There are fewer shelter beds than homeless people in every major American city.
- Many communities are criminalizing, rather than solving, homelessness.
- Discrimination against homeless people is pervasive and challenging to remedy under existing laws.



Where Have Homeless Bills of Rights Been Passed?



- Homeless bills of rights have been enacted in Rhode Island, Connecticut, Illinois, and the United States territory of Puerto Rico.
- Legislation has been proposed or considered in California, Hawaii, Oregon, Vermont, Missouri, Massachusetts, Tennessee, and Maryland.
- These laws are rapidly gaining momentum across the country.

What Can a Homeless Bill of Rights Include?



Varies according to the needs in each state.

Common provisions:

- Move freely in public spaces
- Equal treatment by state and municipal authorities
- Freedom from discrimination while seeking or maintaining employment
- Emergency medical care
- Vote, register to vote, and receive documentation necessary for voter registration
- Protection from disclosure of information or records conveyed to a temporary residence
- Reasonable expectation of privacy in personal property

How Can Advocates Help Enact Homeless Bills of Rights?

- Gather information from homeless people when determining homeless bill of rights priorities
- Develop a plan for building a broad coalition of support for the bill, including legislators, community groups, law enforcement, members of the legal community, and members of the media;
- Develop an education and outreach strategy to demonstrate the need for the bill and to combat stigma against homeless people;



How Can Advocates Help Enact Homeless Bills of Rights?



- Develop a legislative strategy that includes a plan for identifying and negotiating potentially controversial provisions;
- Consult legislative and legal experts when drafting the bill to maximize the bill's chances for enactment and withstanding any potential legal challenges; and
- Develop an implementation and enforcement plan to ensure that an enacted law ultimately has a positive impact on the lives of homeless people.

How Have Homeless Bills of Rights Been Implemented?

- Early stages of implementation
- Rhode Island example:
 - Public outreach and education
 - Discriminatory practices changing
 - Homeless people more active in advocating for themselves
- Enforcement mechanisms are important!



Contact Information

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A Homeless Bill of Rights (Revolution)

Sara K. Rankin, Seattle University School of Law

- Article cited in National Law Center's Report
- Link available at <http://ssrn.com/abstract=2376488>.

Surveys current efforts in 9 states and Puerto Rico

- Different substantive and strategic approaches
- Potential challenges and benefits

Substantive Considerations

Positive rights

- Housing, healthcare, food, workforce training

Negative rights (freedom from...)

- Discrimination
- Violations of general constitutional rights to privacy and property, etc.

Anti-criminalization

Strategic Considerations

End goal

- Enactment
- Public dialogue, awareness

Timeline

- View of incrementalism

Starting point

- Go big? How big?

Range of Models

Puerto Rico (enacted)

Rhode Island (enacted)

California

- Status
- Substantive provisions
- Strategic hallmarks

Puerto Rico

Status

- Series of laws enacted since 1998

Substantive provisions

- Ex. Shelter, nourishment, healthcare, workforce training, and anti-criminalization

Strategic hallmarks

- Implementation; administrative entity

Rhode Island

Status

- Enacted; inspired CT, IL, HI, VT, MO, MA

Substantive provisions- negative rights

- Ex. Use and move freely in public spaces, equal treatment, privacy, property, discrimination

Strategic hallmarks

- Enactment priority
- Monitoring; incremental development

California

Status

- Proposed last session; regrouping

Substantive provisions

- Ex. housing, legal counsel, anti-criminalization

Strategic hallmarks

- Getting substantive priorities, especially anti-criminalization provisions, enacted

Considerations

Substantive goals?

Strategic goals?

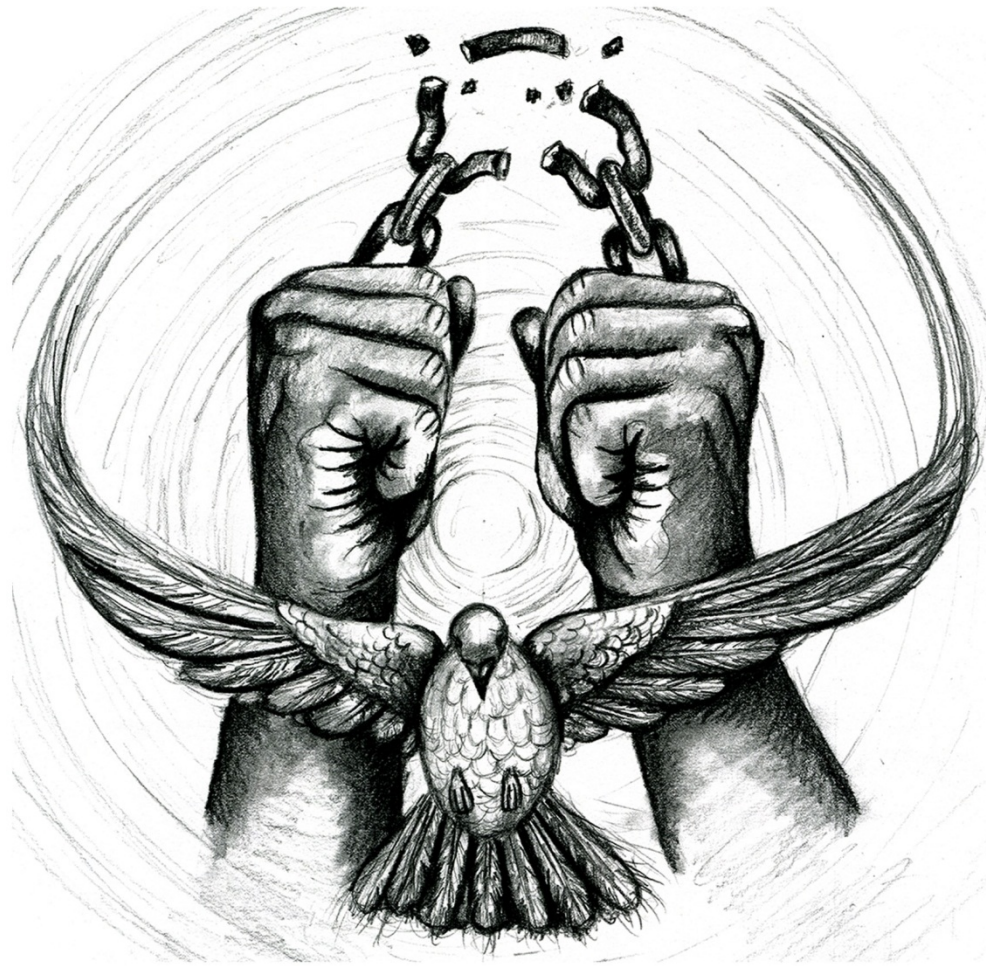
Going forward:

- Judicial enforceability?
- Implementation and enforcement: roles for advocates?

Paul Boden



Homeless Bill of Rights Campaign



*“We will not obey
unjust laws or submit to
unjust practices”*

MLK Jr. - 1964

WRAP Members



SISTERS OF THE ROAD



B **A** **I** **L** **I** **T** **I** **N** **G** **O** **P** **O** **R** **T** **U** **N** **I** **T** **I** **E** **S**
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Coalition on Homelessness San Francisco



Building Opportunities for Self Sufficiency
Berkeley, CA
www.self-sufficiency.org

Coalition on Homelessness
San Francisco, CA
www.coh.org

Hayward Community Action Network
Hayward, CA
www.southhaywardparish.org

Los Angeles Community Action Network
Los Angeles, CA
www.cangress.org

Right 2 Survive
Portland, OR
www.right2survive.wordpress.com

Sacramento Homeless Organizing Committee
Sacramento, CA
www.sacshoc.org

Sisters Of The Road
Portland, OR
www.sistersoftheroad.org

St. Mary's Center
Oakland, CA
www.stmaryscenter.org

Street Spirit
East Bay, CA
www.thestreetspirit.org

Street Roots
Portland, OR
www.streetroots.org

What We Are Working For

Laws that segregate, that make criminals of people based on their status rather than their behavior, are not just sad relics from history. Our HBR campaign stands on the shoulders of social justice campaigns of the past. It seeks to provide a framework for communities to protect the following rights and prohibit the enforcement of local laws that violate these rights:

1. Right to move freely, rest, sleep, & pray and be protected in public spaces without discrimination.
2. Right to occupy a legally parked vehicle.
3. Right to share food and eat in public.
4. Right to legal counsel if being prosecuted.
5. Right to 24-hour access to "hygiene facilities."
6. Require judges consider necessity defense when hearing homeless related cases.



Why This is Important

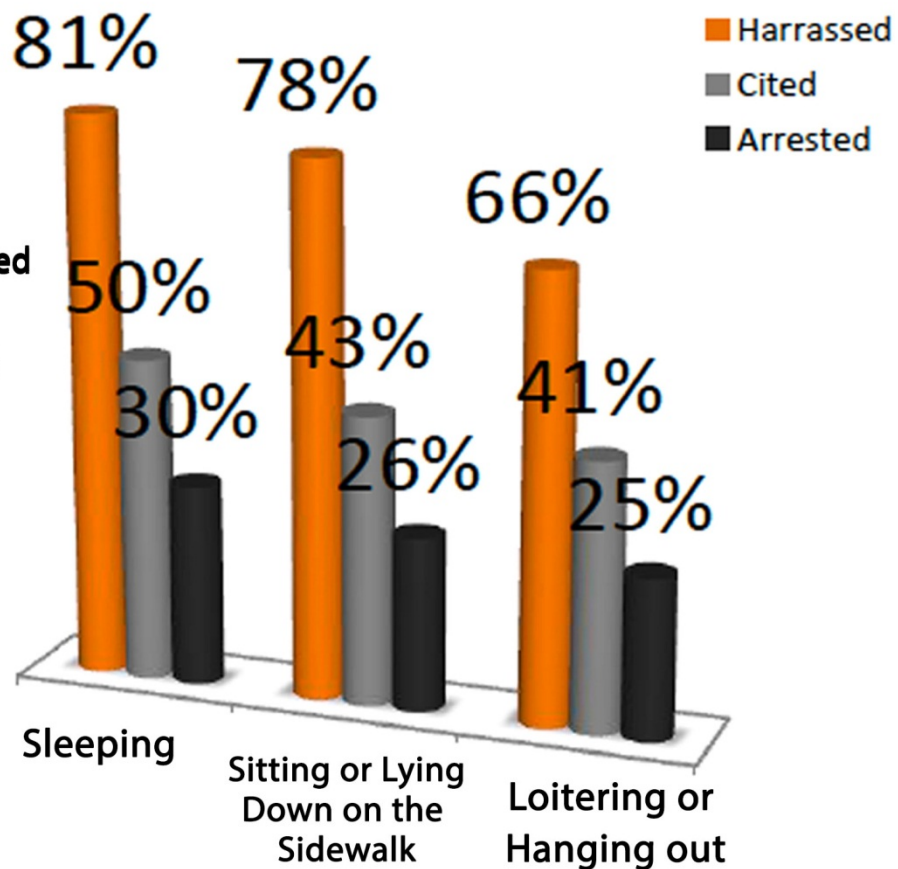
At the heart of the HBR campaign is our outreach to homeless and poor people that documents their experiences with local police and private security. We have recently surveyed 1,276 people in five states and twelve cities. There can be no denying that "Broken Windows," "Quality of Life," "Civil Sidewalks," and "Safer Cities" initiatives are anything less than a reincarnation of "Ugly Laws," "Anti-Okie laws," "Sundown Towns," "Bracero Treaty" and "Jim Crow" when you hear directly the voices of those who are the targets of today's campaigns.

The main "illegal offenses" that homeless people are being targeted with:

- * 81% for sleeping, with 50% of these people cited and 30% arrested
- * 78% for sitting or lying down, with 43% of these people cited and 26% arrested
- * 66% for loitering or hanging out, with 41% of these people cited and 25% arrested

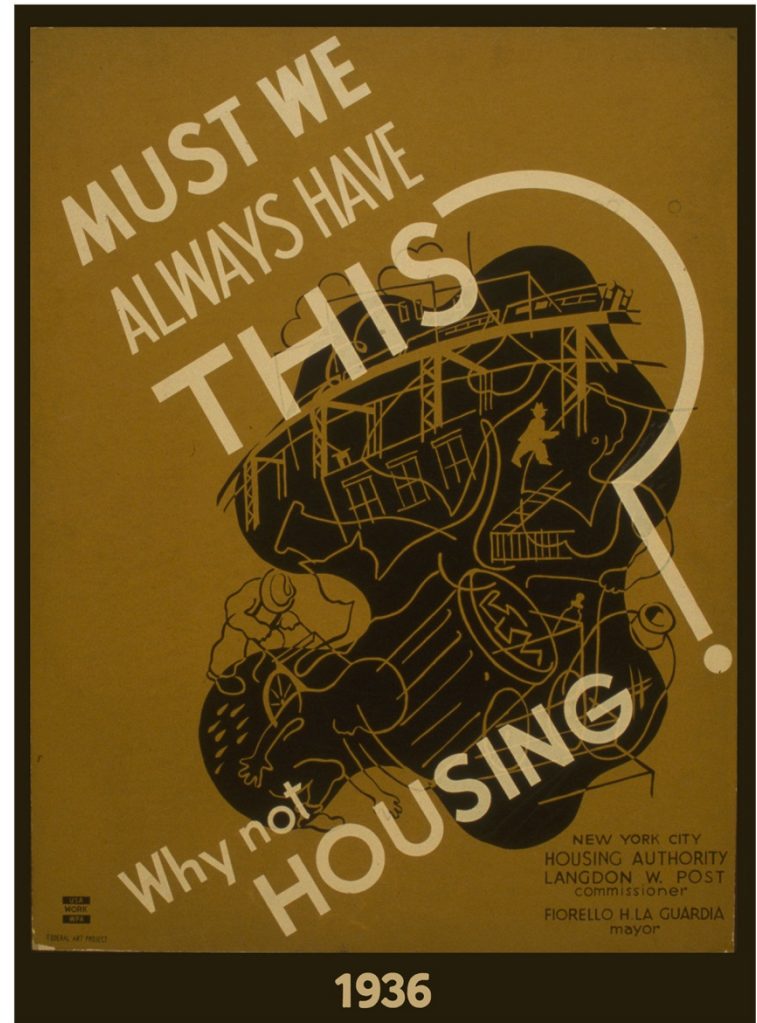
Do you know of places where it is safe and legal for you to sleep outside?

- * 74% No
- * 26% Yes



Historical Criminalization

The United States has a long history of using mean-spirited and often brutal laws to keep “certain” people out of public consciousness. Jim Crow, Sundown towns and Anti-Okie laws, Operation Wetback and Ugly laws -- they all targeted various populations based on their racial, economic, social, immigration or disability status. Understanding this history is important. Today’s exclusionary and discriminatory laws target homeless people; they criminalize sleeping, sitting, loitering, panhandling and even food-sharing in public spaces. Just like the laws from our past, they deny people their right to exist in local communities.



1936

Vicious Cycle of Homeless Policy

Since passage of the McKinney Homeless Assistance Act in 1987, the federal government has created several homeless plans but they continue to fail because they lack political will, adequate funding for actual housing, & implementation.



- It has replaced tens of billions of HUD housing dollars with a few billion homeless assistance dollars.
- There are 355 ten-year plans to end homelessness that cover 860 cities, yet homelessness continues to grow.

What is the Campaign

We are working towards the creation of a powerful social justice movement that is driven by local community organizing. The HBR campaign is a way of working collectively with many different groups and talents to address the injustices which we face in our communities. We understand *how power dynamics work* and we know that it will take more than a piece of legislation to create justice in our society. We also know that by organizing, by connecting our issues, and by creating relevant organizing tools such as presentations and artwork, we are building the power that will eventually enable a more decent society.



Ways To Get Involved!



What can ORGANIZATIONS do to support the campaign?

- Endorse the 6 principles for the HBR Campaign
- Ask at least one of your organizational partners to endorse
- Attend regional planning meetings
- Get information out on email/social media systems
- ID impacted residents and share their stories
- Attend delegation visits
- Attend local awareness actions
- Give public comment at public meetings
- Help with call in days
- Plan other actions in your community
- Visit the WRAP Facebook page and website for updates
- Donate to the campaign

What can YOU do to support the campaign?

- Sign petition in support
- Call elected officials when needed
- Join regional planning committee and attend meetings
- Attend actions/education events
- Share your story in writing or video
- Join a local campaign member group
- Visit the WRAP Facebook page and website for updates
- Donate to the campaign
- Other ideas are very welcome

Join the Homeless Bill of Rights Campaign

www.wraphome.org



Q & A

Please type your questions into the question/comment box on the toolbar

Thank you!