



FROM WRONGS TO RIGHTS:

The Case for Homeless Bill of Rights Legislation



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EXECUTIVE SUMMARY

The prolonged housing crisis, a stalled economy, and a shrinking social safety net have all contributed to significant levels of homelessness across the nation. Indeed, the National Law Center on Homelessness & Poverty (“Law Center”) estimates that 3.5 million Americans¹—including over 1 million school-aged children²— experience homelessness each year. The constitutional, civil, and human rights of these men, women, and children are routinely violated in the United States. There is a new legislative tool gaining momentum across the country, however, that can make an important difference: a homeless bill of rights.

This report surveys the common rights violations experienced by homeless Americans, describes homeless bill of rights enacted and proposed in several states across the country, and provides advocates with guidance for pursuing similar legislation in their states.

HOMELESS BILLS OF RIGHTS ARE A PROMISING NEW APPROACH TO RECOGNIZING AND PROTECTING THE RIGHTS OF HOMELESS AMERICANS.

Many of us who enjoy these rights take them for granted and do not realize that something as simple as not having a physical address would keep us from utilizing these rights... “[Homeless people] deserve to be afforded the same basic rights as any other citizen ...”

—Illinois State Senator Ira I. Silverstein

Homeless bills of rights are gaining momentum across the country. Such laws have already been enacted in Rhode Island, Connecticut, Illinois, and the United States territory of Puerto Rico, and proposed legislation has been set forth in California, Hawaii, Oregon, Vermont, Missouri, and Massachusetts.

These bills offer many benefits to homeless Americans, from helping to combat the stigmatization of homelessness to helping protect homeless people from common rights violations. Moreover, homeless bills of rights can help lay a legal foundation to end homelessness.

A. Homeless People Are Specifically and Especially Targeted for Harassment and Discrimination

In response to high numbers of visibly homeless people in their communities, many cities have chosen to mask the problem by passing laws designed to move homeless people out of public spaces and into local jails. Laws that prohibit sleeping in public or sitting down on sidewalks, for example, turn innocent, natural, and life-sustaining activities of homeless people into criminal acts. These laws not only often violate homeless persons’ constitutional rights, but they have also been condemned as cruel, inhuman, and degrading treatment by international human rights officials.³

Ordinances that prohibit the life-sustaining activities of homeless people in public, even when there are no sheltered alternatives, criminalize homeless persons’ very existence. Moreover, these laws have the effect of increasing and prolonging homelessness at significant expense to American taxpayers. In the end, no interest is served and the entire community suffers.

Criminalization measures are the most egregious examples of homeless persons’ civil rights violations; however, they are far from the only form of discrimination that homeless people confront every day. A lack of an address can make it difficult or impossible, for homeless people to access public services, apply for or maintain gainful employment, or exercise their fundamental right to due process of law following an arrest.

Despite routine violations of homeless persons’ rights, available remedies to correct these violations have been limited in their effectiveness. Litigation is expensive and time consuming, and may offer inconsistent or incomplete relief. Something more can and should be done.

B. A Homeless Bill of Rights Can Improve the Lives of Homeless People

A homeless bill of rights that explicitly protects homeless people from common forms of discrimination is a powerful legal tool. Homeless bills

of rights have already been enacted in Rhode Island, Connecticut, Illinois, and the United States territory of Puerto Rico, and legislation has been proposed in California, Hawaii, Oregon, Vermont, and Missouri. These bills can help homeless people realize those rights that most of society takes for granted, such as the rights to freely use public spaces and to equal treatment from government agencies.

Although existing bills vary in focus and scope, they share many common provisions. These include the rights to:

- 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

In addition to safeguarding homeless persons' existing civil rights, a homeless bill of rights offers the opportunity to secure powerful new rights necessary to permanently end homelessness, such as a right to housing. Even though such provisions can be controversial and might impact prospects for immediate passage of the bill, many advocates value the inclusion of such provisions because they can inspire needed public dialogue about solutions to homelessness.⁴

Finally, homeless bills of rights can be an invaluable step toward combating the stigma of homelessness. These laws, and the process of enacting them, help to draw attention to the plight of our nation's homeless population. They confront the foundation of prejudice upon which discrimination against homeless people is based. And, they underscore the importance of protecting the civil and human rights of every American.

C. Successful Homeless Bill of Rights Efforts Differ in Approach, but All Require Research, Planning, and a Broad Coalition of Support

This report spotlights three homeless bills of rights: the laws enacted in Puerto Rico and Rhode Island and the bill proposed in California. These three bills represent three different approaches to homeless bill of rights legislation. Each reflect the unique political and legal environment in the respective states, and each approach has its own set of benefits and drawbacks. All, however, can serve as useful models to homeless bill of rights advocates across the country.

Surveys of advocates across the nation⁵ reveal several valuable observations that may benefit others interested in pursuing a homeless bill of rights, including the importance of:

- Gathering information from homeless people when determining homeless bill of rights priorities;
- Developing 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;
- Developing an education and outreach strategy to demonstrate the need for the bill and to combat stigma against homeless people;
- Developing a legislative strategy that includes a plan for identifying and negotiating potentially controversial provisions;
- Consulting legislative and legal experts when drafting the bill to maximize the bill's chances for enactment and withstanding any potential legal challenges; and
- Developing an implementation and enforcement plan to ensure that an enacted law ultimately has a positive impact on the lives of homeless people.

INTRODUCTION

Our nation was founded on the principle that all people have the inalienable rights to life, liberty, and the pursuit of happiness. Yet for many homeless people, even the most basic of these rights are far from guaranteed.

THIS IS THE RIGHT TIME TO ENACT HOMELESS BILLS OF RIGHTS

In an era of rising homelessness and widespread discrimination against millions of homeless Americans, the need for positive solutions is critical. Homeless bills of rights are a powerful legislative tool that can help protect the rights of homeless people and lay a legal foundation for ending homelessness. With these bills gaining in success and popularity, the time is ripe for advocates to make use of this new legislative tool.

A. Homelessness is on the Rise

The collapse of the housing market and a stalled economy contributed to an increase in homelessness across the country. Although the recent Point-in-Time Count data from the U.S. Department of Housing & Urban Development (“HUD”) indicated that 610,042 people were homeless on a given night in January 2013,⁶ this statistic fails to include millions of Americans, including people living doubled up with friends or family, people living temporarily in motels, and people in hospitals or jails with nowhere to go upon release.⁷

Other official measures of homelessness show that the numbers are considerably higher than what is reported by HUD. For example, the U.S. Department of Education reported that our nation’s public schools served over 1.1 million homeless students in the 2011-2012, the highest number on record.⁸ In addition, the 2012 U.S. Conference of Mayors report on hunger and homelessness stated that 60 percent of surveyed cities reported an increase in homelessness, particularly among homeless families.⁹ Based on a review of this and other research, the Law Center estimates that 3.5 million Americans experience homelessness in a given year.¹⁰

B. Criminalization of Homelessness Is Increasing Across the Nation

A majority of cities lack adequate shelter, hygiene facilities, food centers, or low-cost storage options, leaving homeless people with no option but to sleep, bathe, eat, and store their belongings in public spaces.¹¹ Despite this reality, many cities have chosen to address homelessness by misusing police power to remove visibly homeless people from sight or, in some cases, to force them out of entire communities. In a growing number of American cities, homeless people forced to publically engage in necessary, life-sustaining activities, such as sleeping or sitting down, are subject to arrest under laws that treat these natural, human activities as criminal acts.¹²

C. Criminalization Measures Are Ineffective, Expensive, and Often Unconstitutional Public Policy

Criminalization measures do not address the root causes of homelessness nor do they reduce the problem. To the contrary, laws that cycle homeless people through the criminal justice system have the effect of increasing and prolonging homelessness. A criminal conviction on a person’s record can cause that person to be passed over for employment or housing. Moreover, homeless people who are jailed often suffer the loss of their personal possessions, including photo identification, Social Security cards, or other documentation needed to access employment, housing, and social services.

Criminalization policies also come with a hefty price tag. When a city misuses its police power to arrest and prosecute homeless people for engaging in life-sustaining activities, taxpayers pay the price and the entire community suffers. Opening Doors: Federal Strategic Plan to Prevent and End Homelessness found that on average, a city spends approximately \$87 per day to incarcerate a person, compared to \$28 per day to provide shelter for that person.¹³

In addition to being ineffective and expensive, criminalization ordinances also raise serious legal questions. Courts have held that laws criminalizing harmless, necessary human activities, when there is

no sheltered alternative, violate homeless persons' civil and constitutional rights.¹⁴ Furthermore, the U.N. Human Rights Committee in Geneva has condemned the criminalization of homelessness as "cruel, inhuman, and degrading treatment" that violates international human rights obligations.¹⁵ The Department of Justice and U.S. Interagency Council on Homelessness have similarly reported that "[i]n addition to violating domestic law, criminalization may also violate international human rights law, specifically the Convention Against Torture and International Covenant on Civil & Political Rights. Therefore, enforcement of these laws can open jurisdictions to extended and costly litigation."¹⁶ In short, "[c]riminally punishing people for living in public when they have no alternative violates human rights norms, wastes precious resources, and ultimately does not work."¹⁷ Still, these ordinances are increasingly popular and continue to threaten the basic human rights and dignity of homeless persons.

D. Homeless People Routinely Suffer Other Civil and Human Rights Violations

Criminalization measures are some of the most egregious examples of violations of homeless persons' rights; however, these laws are far from the only form of discrimination that homeless people confront every day. A lack of an address can make it difficult for homeless people to access needed public services. Furthermore, a criminal conviction may result in a denial of eligibility for critical benefits, such as subsidized housing.¹⁸

Not having an address can also affect homeless persons' ability to exercise their right to due process of law following an arrest. A homeless person who cannot provide a mailing address to the court may not be released on their own recognizance during the pendency of a prosecution, for fear that he or she will not be able to receive notice of future court hearings. Moreover, homeless persons wishing to negotiate plea deals may not be permitted to accept probation as a condition of release because they do not have an address where probation officers can monitor them. The result is that homeless people often spend much longer periods of time behind bars, even for simple misdemeanors, than other arrested people.

In addition, homeless people often do not enjoy a full right to privacy in their personal property.¹⁹ Some shelters, as a condition of offering services, require

that homeless people consent to the search of their personal effects. And, personal belongings stored in public spaces are often treated as abandoned property—or, worse, as garbage—and simply destroyed by law enforcement, despite indications that the property belongs to a homeless person.

Pervasive discrimination, lack of organizational and political power, and limited options for redress are just some of the challenges homeless people face.²⁰ Securing and protecting the civil, constitutional, and human rights of millions of homeless Americans is a persistent, but important challenge. Homeless bills of rights may offer new hope.

HOMELESS BILLS OF RIGHTS

A bill of rights that safeguards homeless people from common forms of discrimination is a powerful legal tool. The increasing popularity of these laws is unsurprising because a homeless bill of rights can address multiple problems. It can help protect homeless individuals from unfair targeting by law enforcement, set forth rights to housing and non-emergency health care, and reflect critical societal values, such as the need to confront and counteract the stigma associated with homelessness. A homeless bill of rights can also provide the enforcement mechanism necessary to ensure that the existing rights of homeless people are realized. Litigation can be a helpful form of redress, but it has significant limitations.²¹ Although the U.S. Supreme Court has never directly addressed the question, homeless people are not yet recognized as a protected class entitled to heightened judicial scrutiny when their rights are violated.²² As a result, courts may uphold discriminatory laws—such as ordinances that criminalize homelessness— if the government can meet the lowest standard of proof: that these anti-homeless laws are “rationally related” to a legitimate governmental interest, such as claims that the removal of homeless people from public sight improves the “quality of life” of housed residents.²³ Moreover, challenging discriminatory laws in court can be a lengthy and expensive process. It requires collecting data on how an ordinance is being enforced, searching for legal theories on which to challenge the ordinance, and finding at least one personally affected plaintiff who is willing to participate in an extended legal process. One purpose of a judicially enforceable homeless bill of rights is to streamline this process, providing another tool for homeless individuals to access justice.

Finally, a homeless bill of rights can help combat the stigma of homelessness and emphasize the basic equality of all members of our society. These bills can provoke important dialogue about the causes of homelessness as well as constructive solutions to help end it. A homeless bill of rights can be an important step toward the development of a new rights consciousness in American society, one that values people equally, regardless of whether they are homeless or housed.²⁴

I. SEVERAL STATES HAVE PASSED OR PROPOSED HOMELESS BILLS OF RIGHTS

A number of states have passed or are in the midst of efforts to pass homeless bill of rights legislation. While each bill contains provisions unique to the needs of the local homeless population, all of them aim to improve access to justice, prevent criminalization, counteract the stigma associated with homelessness, and pave the way for broader solutions.

There are several common provisions within the various legislative proposals. The most common rights for persons experiencing homelessness include the right to: (1) move freely in public spaces, (2) equal treatment by state and municipal authorities, (3) not face discrimination while seeking or maintaining employment, (4) emergency medical care, (5) vote, register to vote, and receive documentation necessary for voter registration, (6) protection from disclosure of information or records conveyed to a temporary residence, and (7) reasonable expectation of privacy regarding personal property. Some also prohibit discrimination based on housing status.

II. MULTIPLE APPROACHES TO HOMELESS BILL OF RIGHTS LEGISLATION ARE EMERGING

While there are many commonalities between the various proposed and enacted homeless bills of rights, there are notable distinctions between versions of the law enacted in Puerto Rico and Rhode Island — and proposed in California. The differences in these bills reflect three distinct approaches to homeless bill of rights legislation. Each has its own benefits and limitations, but all offer useful guidance to advocates considering similar legislation.

A. Puerto Rico

The U.S. territory of Puerto Rico broke historic ground in 1988 when it enacted Law No. 250, a declaration of the rights of homeless Puerto Ricans, in response to growing homelessness on the island.²⁵ The Act created the Commission for the Implementation of the Public Policy Regarding the Homeless housed within the Department of the Family.²⁶ The role of

the Commission was to determine the best course of action to implement public policy regarding homeless people in Puerto Rico, focusing on housing, employment and income, health, and access to government services.²⁷

Over a 20 year period, Law No. 250 proved to be more aspirational than effective at improving the lives of Puerto Rico's homeless population.²⁸ In an effort to improve enforcement of legal protections of homeless people, and in recognition of the need for the involvement of stakeholders beyond the Puerto Rican government, the legislature decided that a multi-sector approach was more effective to address homelessness.²⁹ In September of 2007, the legislature, recognizing the limited effectiveness of its legal framework, repealed Law No. 250 and replaced it with Law No. 130, which created a Multi-Sector Homeless Population Support Council ("Council").³⁰ As the name suggests, the Council involves multiple stakeholders in addressing the problems of homeless people, including at least two currently or formerly homeless representatives.³¹

The aim of Act 130 is to "achieve the goal of eradicating homelessness... [and] make Puerto Rico a place where all human beings have a roof over their heads, and prompt and sensitive access to the basic services every human being is entitled to receive."³² To achieve this aim, the Act enumerated several rights guaranteed to persons experiencing homelessness, including the right to:

- Adequate shelter
- Nourishment services
- Receive necessary medical attention
- Access to social services and benefits
- Employment orientation and training
- Protection from mistreatment by law enforcement
- Access to parks, town squares, and other public facilities

Puerto Rico's law presents a unique and detailed administrative structure where one entity designs, implements, and enforces these rights. However, this structure presents some conflicts of interest

that advocates believe may be obstructing the law's effective implementation.³³ For example, Act 130 authorizes the Council to impose fines for violations of the law, however, nearly half of the Council is comprised of heads of the government agencies responsible for implementing the law. Advocates are pushing to restructure the law to remove these conflicts of interest and create greater accountability.

Puerto Rico's struggles should not be interpreted to suggest that an administrative enforcement mechanism is inherently problematic. To the contrary, administrative agencies exercise significant influence in the lives of homeless individuals, and their involvement in enforcing homeless persons' civil rights can be essential.³⁴ Therefore, advocates should carefully consider lessons learned in Puerto Rico and should draft homeless bills of rights with implementation and enforcement mechanisms in mind.

B. Rhode Island

On June 20, 2012, Rhode Island became the first state to pass a homeless bill of rights into law. Unlike the broad legislation in Puerto Rico, the Rhode Island homeless bill of rights secures a much narrower set of rights, focused primarily on protecting homeless people from discrimination based on housing status. The original draft of the bill was much broader in scope than the law, reflecting a series of substantive and strategic negotiations during the legislative process.³⁵ The law does not grant any new or special rights to homeless persons. However, it does provide that, "[n]o person's rights, privileges, or access to public services may be denied or abridged solely because he or she is homeless."³⁶

On the last day of the legislative session, the Rhode Island homeless bill of rights was signed into law as an amendment to the state's Fair Housing Practices Act.³⁷ Although the final bill did not include all of the provisions advocates originally hoped for, the law significantly strengthened several fundamental rights not previously realized by homeless Rhode Islanders. These include the rights to:

- Use and move freely in public spaces
- Equal treatment from all state and municipal agencies

- Freedom from employment discrimination due to the lack of a permanent address
- Emergency medical care without discrimination based on housing status
- Vote
- Protection from disclosure of records
- A reasonable expectation of privacy in personal property³⁸

Rhode Island's law is judicially enforceable and allows persons whose rights have been violated to seek remedies ranging from injunctive relief to monetary damages. Currently, Rhode Island homeless advocates are strategizing about how the newly enacted homeless bill of rights can be used in combination with other laws to achieve some of the legislation's broader original goals.

Rhode Island's pioneering law has served as a model for similar legislation in other jurisdictions, including Illinois³⁹ and Connecticut,⁴⁰ which recently enacted their own homeless bills of rights. Several other states — including Hawaii, Oregon, Vermont, Massachusetts, and Missouri — are pursuing homeless bills of rights based on the Rhode Island model.

C. California

Although California's homeless bill of rights legislation has stalled, the proposal warrants discussion for its ambitious scope. Similar to the Rhode Island legislation, California's homeless bill of rights is intended to be judicially enforceable and seeks to fortify existing rights for the state's homeless residents. But in contrast with other proposed or enacted homeless bills of rights, the California version also seeks the introduction of new rights for homeless people.

Assemblyman Tom Ammiano introduced California's homeless bill of rights legislation in December 2012. The bill enumerated a total of twenty-three rights, including a few controversial ones, such as the right to urinate in public if no other option is available.⁴¹ The amended legislation was slightly narrower in scope and removed the controversial public urination provision, but it maintained several provisions, including some that would create new governmental

obligations. Among the bill's important provisions are those that provide the right to various life-sustaining activities "without [a person] being subject to criminal or civil sanctions, harassment or arrest by law enforcement... because he or she is homeless."⁴² These provisions include the right to:

- Move freely in public spaces
- Rest in a public space "in the same manner as any other person... as long as that rest does not maliciously or substantially obstruct a passageway"
- "[E]at, share, accept, or give food or water in public spaces"
- "[S]olicit donations in public spaces in the same manner as any other person"
- "[S]eek self-employment in junk removal and recycling"
- Occupy a motor vehicle that is legally parked⁴³

Other unique features of California's bill include the right to legal counsel for violations of rights under the bill⁴⁴ and the requirement that local law enforcement agencies annually compile and make public statistics of arrests and citations made pursuant to criminalization ordinances.⁴⁵

California's bill passed the Judiciary Committee by a wide majority, but ultimately stalled in the Appropriations Committee. Nonetheless, efforts to pass the bill were still valuable in sparking public discussion and debate and elevating awareness about unfair discrimination against and treatment of homeless people in the state. Although a sponsor has not been identified to reintroduce the bill, California advocates promise that their efforts are far from exhausted.

CONSIDERATIONS FOR ADVOCATES

A homeless bill of rights has enormous potential to protect and expand the rights of homeless people—and, most importantly, to lay the legal foundation to end homelessness. Like all legislation, however, it involves challenges and compromises. The experiences of advocates in states that have proposed or enacted homeless bill of rights legislation offer several valuable lessons for those interested in pursuing homeless bills of rights in their own states. This section discusses strategic and substantive considerations involved in planning, drafting, and supporting a viable bill.

I. DEVELOP A STRATEGIC PLAN

Once the decision has been made to pursue a homeless bill of rights, it is important to develop a strategic plan of action that will maximize the likelihood of success. Supporting a bill includes two tracks: working with legislators and working with the public.

Advocates can lay the groundwork for both strategies by researching the current legal landscape, forming a strong coalition of supporters, and understanding the key choices involved.

A. Gather Information

A homeless bill of rights must reflect the priorities of homeless individuals and their advocates. The first step towards building support for a homeless bill of rights should be gathering information from homeless people and homeless services providers to determine the most pressing needs of the affected community.

B. Start the Conversation

Advocates should engage in early and frequent communication with a variety of stakeholders, including groups that have concerns about the legislation.⁴⁶ In Rhode Island, for example, the original bill contained a provision guaranteeing homeless persons “equal protection from law enforcement agencies.”⁴⁷ When the police learned of the provision, they opposed the bill because they felt that the language unfairly singled them out.⁴⁸ While changing

the language to “equal protection from all state and municipal agencies,” allayed the concerns of the police, some advocates believe that with more timely and better communication they could have made allies of the police department earlier in the process. Despite a perception among some advocates that law enforcement is “the enemy,” in some municipalities, law enforcement agencies have supported efforts to repeal criminalization ordinances, which they often would prefer not to have to enforce.⁴⁹

C. Plan and Conduct Education and Outreach

Advocates should also be mindful of public opinion, and plan their education and outreach accordingly. Framing the legislation as a way to advance the civil rights of the entire community is useful. In addition, advocates described the need for organized, grassroots, efforts to get support from different constituencies and to educate the public about the problems facing homeless people. The Western Regional Advocacy Project has a well-developed toolkit for advocates working to promote the California homeless bill of rights that may be useful for others as well.⁵⁰

II. DEVELOP A COALITION OF STRATEGIC PARTNERS

Building support for a homeless bill of rights involves identifying and engaging a broad coalition of strategic partners. This coalition will be critical to each stage of the advocacy process – from drafting the bill to ensuring its successful implementation.

The importance of collaboration cannot be overstated. Nearly every advocate stressed that to create a successful homeless bill of rights, advocates must work cooperatively with all stake-holders: homeless people, service providers, community groups, government agencies, local officials, and even groups that may oppose a homeless bill of rights.

A. Homeless Partners

Through the process of crafting a homeless bill of rights, the needs of local homeless people must remain a central focus. This is true not merely because

homeless people are the intended beneficiaries of the law, but also because their voices and stories will best establish the need and generate support for the bill.

B. Legislative Partners

As demonstrated by the legislative effort in Rhode Island, passing a homeless bill of rights fundamentally relies upon support from legislators who will sponsor and champion the bill. Advocates recommend seeking out legislators who are sensitive to homeless issues, but who also carry significant political influence within the state. In Rhode Island, advocates found a main sponsor of the bill, veteran senator John Tassoni, with good political connections. His influence resulted in the bill being assigned to his committee, where it passed. Advocates pointed out that the bill may not have been as successful if it had gone directly to a Judiciary Committee vote instead.

C. Community Partners

It is also essential to build support from the community. Service providers, community organizations, public health providers, policy experts, religious organizations, law enforcement, public defenders and other members of the legal community can all be valuable allies. A broad coalition of community partners not only provides a strong base of support for the bill, but may also help to minimize opposition to the bill as it advances through the legislative process.

Many communities have state or local human rights commissions with quasi-governmental status and ability to bring together governmental and non-governmental actors. The International Association of Official Human Rights Agencies (made up of these state and local commissions) passed a resolution in August 2013 calling on their members to take active steps to support homeless bills of rights and condemn criminalization of homelessness.⁵¹ Local groups can and should take advantage of this resolution in pressing their commissions to become vocal partners and convene community discussions about homeless bills of rights.⁵²

While asking for some aspects of a homeless bill of rights, such as a right to housing, may seem daunting, advocates should be aware of additional tools at their disposal. The US Conference of Mayors

has endorsed the local implementation of human rights treaties, including ones relevant to the criminalization of homelessness, and the American Bar Association (ABA) has passed a resolution calling for implementation of the human right to housing.⁵³ Advocates can creatively use these resolutions in bringing a mayor on board in support of a homeless bill of rights approach, or in calling for a legislator to follow the principles of the ABA.

D. Media Partners

The media plays a crucial role in educating the community about homeless issues, so developing a media strategy is critical. Moreover, developing strong allies in the media can help prevent misinformation and biased messaging that may turn popular opinion against the bill.

III. DETERMINE THE CONTENT AND FOCUS OF THE BILL

The most complex decisions homeless bill of rights proponents must make involve determining the content and focus of the bill. In deciding what to include, advocates must consider their priorities, their political strategy, and the specific needs of homeless people in their community. Reaching agreement on these issues can be challenging. As one experienced advocate put it, “the sticking point always is, ‘what’s in, what’s out?’”⁵⁴

A. Conduct Preliminary Research

To draft an effective homeless bill of rights, advocates must consider the primary issues facing homeless people. For example, in California, homeless bill of rights advocates conducted thousands of surveys of homeless individuals to discover their biggest concerns. The surveys revealed that ordinances criminalizing sitting or resting on the sidewalk were a primary concern of homeless Californians. Advocates relied upon this research to gather public records and other evidence documenting the use of these ordinances to criminalize homelessness. They also gathered personal stories from homeless people and service providers describing the suffering caused by the enforcement of these laws. All of this information was used to inform the drafting of California’s bill and to support its anti-criminalization provisions.

B. Survey the Political Landscape

In determining the focus of the bill, advocates should assess the political climate of their state. But an unfavorable political climate should not, on its own, be a reason to abandon a homeless bill of rights. Advocates may successfully change a political environment through public education and effective use of the media. Sometimes opposition is based on misinformation. Public education can be a useful tool to help individuals and organizations understand why a homeless bill of rights is necessary, and to try to change their view that homeless people are undeserving of help.

C. Identify Potentially Controversial Provisions

Advocates face the choice of proposing a bill that includes all of their priorities, regardless of political viability, or proposing a bill that has been narrowed to contain only politically palatable provisions. Several considerations factor into a decision about the best strategy in a given state.

An important substantive consideration is the relationship between rights and funding. The inclusion of positive rights in a bill (such as the right to housing) can be important because of their potential for significant impact. Because positive rights require government action, however, such provisions may be perceived as overly costly. Advocates can respond to such criticism with cost-benefit analyses that show investments in rights (such as affordable housing) are more effective and less expensive than discriminatory measures such as the incarceration or dislocation of homeless people.⁵⁵

But even rights that do not carry a direct economic cost, such as the right to be free from arrest for performing life-sustaining activities in public, can be controversial. In Rhode Island, although the initial draft of the bill of rights intended to include anti-criminalization measures, the final bill's language did not mention law enforcement due to opposition from police.

Potentially controversial provisions should not be avoided merely because they may cause debate. Indeed, the mere inclusion of controversial provisions can be valuable because such provisions catalyze dialogue about homelessness. But before including such controversial provisions in a draft bill, advocates

should carefully consider plans for managing the public discussion and legislative negotiation process.

D. Develop a Legislative Strategy

When enough support and alliances are in place, advocates should develop a plan of action. Homeless bill of rights proponents have two primary strategic options: introducing a bill that asks for a wish list or introducing a more limited version that may be easier to pass. Both approaches have their benefits and drawbacks.⁵⁶

A bill that asks for a wish list of provisions may raise awareness and lead to shifts in political opinion in the future; on the other hand, such a bill will likely generate increased opposition that may undermine the legislative effort. Conversely, a more moderate bill may have a higher likelihood of enactment; however, it may not go far enough to achieve positive change on the ground. Also, a moderate bill may exhaust legislative goodwill that would be better spent on enacting other, more impactful legislation.

When determining a legislative strategy, the political climate, the short- and long-term goals of the stakeholder coalition, and the length of the legislative cycle all play a role. Experienced advocates are invaluable in understanding the options.

Another consideration for advocates is whether to work toward enacting smaller bills over time, or one large bill that addresses multiple issues. A modest start (with the goal of incremental growth) can be a practical approach, as evidenced by the Rhode Island bill. A more aggressive approach, like California's, can also be beneficial by securing a broader range of rights at one time. A third approach would be to combine these strategies: present a large bill that encompasses much of what is needed—and thus can also serve as a rallying point for support—and be prepared to move pieces of it over time. Even if some provisions are initially removed, advocates can return later to propose improvements to the law.⁵⁷ The strategy chosen should be based on the unique needs of the relevant state.

IV. DRAFT THE BILL LANGUAGE

Once decisions are made regarding the content of the bill, it is necessary to engage in careful drafting. Advocates with legal training or legislative experience

will play a key role in turning the layman’s wish-list into precise legal language. For example, the initial draft of the Rhode Island’s homeless bill of rights included the right to “quality healthcare.”⁵⁸ Advocates with legislative experience pointed out that this was too vague; it was not clear if the provision created a new healthcare service, guaranteed the right to existing services, or did something else.⁵⁹ The language was eventually changed to “A person experiencing homelessness ... has the right to emergency medical care free from discrimination based on his or her housing status.”⁶⁰

Drafting also involves choices about the scope of each provision. Advocates recommend writing provisions with specificity, so people understand exactly what is allowed or prohibited. This helps with public support and with enforcement. For example, instead of providing for “the right to sleep in public,” which could be sleeping “anywhere and everywhere,” a bill should include the right to sleep in a specifically defined set of places.

Although lawyers will be vital, they should not be the sole authors of HBOR legislation. provisions. As one attorney noted, “lawyers shouldn’t always come up with the legislation. You need people with actual experience with the homeless. Lawyers often think ‘This is what the law is.’ Non-lawyers think, ‘This is what the law could be.’”⁶¹

Advocates should consider framing HBOR legislation with introductory language based on human rights principles. A number of international human rights experts have recently commented on issues of criminalization of homelessness in the U.S. and the human right to housing more broadly.⁶² Including this language in the bill preamble or other legislative history may help generate moral force in support of the bill and also help build legal support for the human right to housing.

Before advocates add controversial language to a bill, potential legislative sponsors must also be consulted. This helps to assure that sponsors and advocates remain on the same page.

V. CONSIDER JUDICIAL AND ADMINISTRATIVE ENFORCEMENT MECHANISMS

Ideally, a homeless bill of rights will include specific provisions for enforcement. Two approaches to

homeless bill of rights enforcement—judicial and administrative—have their own benefits and drawbacks.

A judicially enforceable bill of rights is designed to provide for legal relief when rights are violated. For example, Rhode Island’s homeless bill of rights allows for punitive damages, appropriate injunctive and declaratory relief, and reasonable attorney’s fees and costs to successful plaintiffs.⁶³ Some advocates feel that judicial enforcement is the strongest form of enforcement, but judicial enforcement can pose challenges.⁶⁴ Homeless people may not be aware of their rights. Moreover, even when homeless people are aware of their rights, they and their advocates may lack the financial resources to obtain legal counsel.

By requiring state agencies to take specific actions, administrative enforcement provisions can help to ensure the provision of the resources and services necessary to implement and enforce a homeless bill of rights. However, Puerto Rico’s experience shows that an administrative enforcement structure must be designed properly, or a law will not be successful at reducing or ending homelessness.

Preferably, a homeless bill of rights would include both administrative and judicial enforceability measures. With either approach, however, it is important to consider the local political environment and the availability of legal services to people experiencing homelessness. As one advocate said, “Either way, you have to think, ‘Who’s the watchdog? Who’s going to make sure that the agency does what it’s supposed to do, or that lawsuits that need to be brought are brought?’”⁶⁵

VI. SUPPORT THE BILL DURING THE LEGISLATIVE PROCESS

After drafting a homeless bill of rights and turning it over to a legislative sponsor for introduction, advocates must redouble efforts to build support for the bill. Indeed, “[l]egislation will not move unless there’s a base to move it.”⁶⁶ While the sponsors advocate for the bill within the legislature, advocates must focus on securing significant public support.⁶⁷

Advocates should be prepared to explain the bill and to help the public understand why it is necessary. Controversial or unpopular provisions may be an

immediate target for the media, and advocates must be ready to respond.

VII. IMPLEMENT THE HOMELESS BILL OF RIGHTS

After a homeless bill of rights is enacted, the work of implementation begins. Effective implementation of the law is absolutely critical to its ultimate success at reducing homelessness.

To make an impact, the rights included within homeless bills of rights must be known to homeless persons and their advocates, followed by governmental actors, and enforced against violators. These efforts require resource investment,

community organization, public education, and the governmental will to fulfill the aim of the legislation. To accomplish effective implementation of the law, homeless advocates can and should play a central role.⁶⁸

In Rhode Island, for example, advocacy organizations are working to inform homeless individuals of the rights guaranteed by its new law. Efforts are underway to collect complaints about possible violations of the law and to encourage homeless individuals to consult the Law Center, the ACLU, and other legal advocacy groups to explore possible remedial options. As one advocate suggested, “the law is good, but even with a homeless bill of rights homeless people have to feel empowered enough to use the legal system.”⁶⁹

CONCLUSION

Millions of homeless persons suffer violations of their civil and human rights on a routine basis. In response to this widespread discrimination, several states have enacted or proposed homeless bills of rights. These laws are designed to protect homeless people from common rights violations and, in some cases, to offer new, positive rights aimed at eliminating homelessness entirely. Homeless bills of rights have the potential to transform the legal landscape in America and to improve the lives of millions of homeless Americans.⁷⁰

The Law Center strongly supports homeless bills of rights, and works with state advocates to develop and promote them. We are hopeful that the growing trend toward utilizing this powerful legal tool will only continue to grow. Although there are challenges to enacting and implementing a homeless bill of

rights, recent successes haven proven that they are surmountable. We encourage homeless advocates across the country to pursue these laws, relying upon the lessons learned from preceding efforts. In addition, we urge legislators to pass these bills with clear and consistent declarations of support for the civil and human rights of homeless Americans—and to include provisions to end homelessness such as a right to housing.

Homeless bills of rights are an important step in the direction of creating a more just society by ensuring that fundamental constitutional, civil, and human rights can be enjoyed by all. In protecting the rights of our society’s most vulnerable members, we also fortify and protect the rights of the majority. Only when equal treatment under the law is a reality for everyone can we truly be free.

APPENDIX: HOMELESS BILL OF RIGHTS LEGISLATION

I. ENACTED LEGISLATION IN CHRONOLOGICAL ORDER:

A. Puerto Rico

8/18/98

Act 250 – Signed into law.

Citation: Act No. 250, 13th Leg., 3d Sess. (P.R. 1998) (repealed 2007).

9/27/07

Act 130 – Signed into law; repealed Act 250.

Citation: Act No. 130, 15th Leg., 6th Sess. (P.R. 2007).

B. Rhode Island

1/11/12

SB 2052 – Signed into law.

Citation: Homeless Bill of Rights, Pub. L. Ch. 356, R.I. Laws (2012)

Citations for the three prior versions:

S. 2052, 2012 Gen. Assemb., Reg. Sess. (R.I. 2012) (original draft).

S. 2052, Sub. A, 2012 Gen. Assemb., Reg. Sess. (R.I. 2012) (substitute draft).

S. 2052, Sub. B, 2012 Gen. Assemb., Reg. Sess. (R.I. 2012) (second substitute and enacted draft).

C. Illinois

1/30/13

SB 1210 – Signed into law.

Citation: Bill of Rights for the Homeless Act, Pub. L. 098-0516, Ill. Laws (2013)

Citations for the three prior versions:

S.B. 1210, 98th Gen. Assemb., Reg. Sess. (Il. 2013) (original draft).

S.B. 1210, S. Amd. 001, 98th Gen. Assemb., Reg. Sess. (Il. 2013) (substitute draft).

S.B. 1210, H.R. Amd. 001, 98th Gen. Assemb., Reg. Sess. (Il. 2013) (second substitute and enacted draft).

D. Connecticut

2/15/13

SSB 896 – Signed into law.

Citation: Homeless Person's Bill of Rights, Pub. L. 13-

251, Conn. Acts (2013)

Citations for the three prior versions:

S.B. 896, 2013 Reg. Sess. (Ct. 2013) (initial draft).

Sub. S.B. 896, 2013 Reg. Sess. (Ct. 2013) (substitute draft).

Sub. S.B. 896, 2013 Reg. Sess. (Ct. 2013) (amended June 5, 2013) (second substitute and amended draft).

II. PROPOSED BUT NOT ENACTED LEGISLATION IN CHRONOLOGICAL ORDER:

A. California

12/3/12

AB 5 – Passed Judiciary Committee

Did not reach vote in Committee on Appropriations before the end of the legislative session.

Citations for the three versions:

A.B. 5, 2013-2014 Gen. Assemb., Reg. Sess. (Cal. 2012) (original draft).

A.B. 5, 2013-2014 Gen. Assemb., Reg. Sess. (Cal. 2012) (amended Apr. 4, 2012) (substitute draft).

A.B. 5, 2013-2014 Gen. Assemb., Reg. Sess. (Cal. 2012) (amended Apr. 30, 2012) (second substitute draft).

2/3/14 – Filed with Chief Clerk

B. Hawaii

1/23/13

HB 1205 – Did not reach vote in House Judiciary Committee before the end of the legislative session.

Citation: H.B. 1205, 27th Leg., Reg. Sess. (Haw. 2013).

1/17/14

HB 1889 – Pending in Senate Human Services Committee

Citation: H.B. 1889, 27th Leg., Reg. Sess. (Haw. 2014).

2/28/14 – Passed House, transmitted to Senate

3/19/14 – Passed second reading, referred to Senate Committee on Judiciary and Labor

1/23/14

HB 2661 – Pending in House Human Services and

Judiciary Committees.

Citation: H.B. 2661, 27th Leg., Reg. Sess. (Haw. 2014).

C. Oregon

7/8/2013

HB 3122 – Did not reach vote in House Human Services and Housing Committee before the end of the legislative session.

Citation: H.B. 3122, 77th. 2013 Reg. Sess. (Or. 2013).

D. Vermont

3/12/13

HB 493 – Did not reach vote in in House General, Housing, and Military Affairs Committee before the end of the legislative session.

Citation: H. 493, 2013 Reg. Sess. (Vt. 2013).

E. Missouri

3/13/13

SB 428 – Did not reach vote in Senate Judiciary and Civil and Criminal Jurisprudence Committee before the end of the legislative session.

Citation: S.B. 428, 97th Gen. Assemb., Reg Sess. (Mo. 2013).

F. Massachusetts

5/13/13

H.3595 – Passed Joint Committee on Housing.

Citation: H. 3595, 188th Reg. Sess. (Ma. 2013).

3/20/14

H.3595 – Reported favorably by committee on Housing, referred to committee on Health Care Financing

III. COPIES OF ENACTED HOMELESS BILLS OF RIGHTS

A. Puerto Rico

(No. 130)

(Approved September 27, 2007)

AN ACT

To create the Multi-Sector Homeless Population Support Council (the Council), attached to the

Department of the Family of the Commonwealth of Puerto Rico, directed to addressing the different situations homeless persons experience on a daily basis and thus achieve a true transformation in their living conditions, to promote expeditious access to the existing services and prompt integration into the community; establish its duties and responsibilities, the continuous development and the review of public policies and strategic planning; promote the solicitation, appropriation and authorization for the matching of funds; oversee multi-sector compliance with programs and services through the Homeless Population Service Program Liaison and Coordination Office (the Office); and to repeal Act No. 250 of August 18, 1998, as amended.

STATEMENT OF MOTIVES

In Puerto Rico, the protection of the dignity of human beings is of explicit constitutional origin. Section 1 of Article II of the Constitution of the Commonwealth of Puerto espouses this fundamental principle by establishing that: "The dignity of the human being is inviolable. All men are equal before the law. No discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas." The adoption of this constitutional principle basically responds to democratic values, and the due implementation thereof assures healthy community living. According to local and international organizations that promote respect of human rights, every person has a right to secure housing, to an affective community and to generate his/her own income. In spite of this, in our society we have a population that has been deprived from the most elemental means of subsistence. These are the homeless persons who have neither a secure home or place in which to live, nor the opportunities to access the means to provide minimal support for themselves with dignity.

In past years, Act No. 250 of August 18, 1998, addressed this social problem by establishing a Commission for the Implementation of the Public Policy Regarding the Homeless. Together with collaborators, Federal, Commonwealth and municipal agencies as well as nonprofit, faith and community-based foundations, entities and enterprises, and coalitions that render services to the homeless, it sowed and reaped the fruits which resulted in great achievements, as was the formulation of the public policy for homeless persons, improved access to

Federal funds in Puerto Rico received in past years, extension of the coverage—geographical area serviced—and the proven increase in the provision of services to address said situation. We know that there is still much more to be done, and it is for this reason that this Legislature stands firm and aims to achieve the goal of eradicating homelessness. Thus, we shall make Puerto Rico a place where all human beings have a roof over their heads, and prompt and sensitive access to the basic services every human being is entitled to receive.

The most recent survey of homeless persons was carried out in January, 2007, to be conducted every two (2) years as required by HUD, in order to have a “picture” at that time and on that date of the number of persons living in the streets and sheltered in emergency shelters. It must be pointed out that this survey is directed to identifying those homeless persons that according to the definition of HUD, are those persons who sleep in places not meant for human habitation—streets, parks, cars, abandoned buildings, bridges, the living room floors and furniture of friends and relatives, persons who are living in emergency shelters and those persons who shall be released from prison and health institutions within seven days of the survey—and who once released have not had a housing unit identified for them. Under the Federal regulations of the Supportive Housing Program (SHP) of the Department of Housing and Urban Development (HUD), and as part of the requirements for the annual competition for funds, it is required that a survey of homeless persons, whether sheltered or unsheltered, be conducted every two (2) years on a specific day and time during the month of January and in all places at the same time to prevent duplication. The survey conducted in May, 2005, revealed an approximate number of eight thousand, four hundred and nineteen (8,419) homeless persons of various ages, family backgrounds and genders. According to a sample surveyed, fifty point eight percent (50.8%) had experimented with alcohol or controlled substances, twenty-three point five percent (23.5%) suffered from mental illnesses and seven point nine percent (7.9%) had been victims of domestic violence. It must be also considered that the difficulties in polling this population point out to the fact that the actual number of homeless persons is much greater than the numbers reflected in the poll. Each of these persons lacks the essentials for leading a life of dignity: a fixed and adequate residence,

adequate nutrition, toileting facilities, access to adequate health services, participation in community activities, and opportunities for training, employment and entrepreneurial development. Worse yet is the fact that homeless people are exposed on a daily basis to insensitivity, abuse and rejection from the people and that they are excluded from all social activity, including the process whereby decisions affecting them directly are made, and some of them have been transferred or moved involuntarily, thus depriving them of the freedom to remain within the geographical area of their choice.

We must establish that it is necessary that the following be made an integral part of the decision-making process together with all other members from the various sectors: the central and the municipal governments, the private sector, and the for-profit, nonprofit, and faith-based entities which attend to this situation—and most of all, the homeless. The strategic plan to be adopted under this Act shall be successful to the extent in which the Government and the various sectors work together in the search for solutions to the difficulties or situations which impede their integration into society. It is indispensable to have the participation of the different municipal administrations in order to achieve true progress, since the absolute responsibility of deploying efforts and services cannot lie with the Central Government, especially when the needs of these persons could vary according to their geographical location.

For such reason, this Legislature deems it necessary to repeal Act 250 of August 18, 1998, and to create this new Act, so as to recognize the ministerial duty and ensure respect for the rights of the homeless through a structure which shall be known as the Multi-Sector Council. The Council shall be responsible for coordinating with government agencies so that they include in their respective work plans the recommendations adopted in the Plans to Eradicate Homelessness, approved and submitted by the Central Government and the Municipalities, in compliance with the Federal mandate. Likewise, it shall be in charge of promoting all types of collaborative agreements that reconcile the interests of the homeless and that the entities responsible for law enforcement and the administration of justice collect and make accessible all data related to interventions, claims or services rendered, as well as enforce the rights of these citizens.

Thus, the Government of the Commonwealth of Puerto Rico shall not overlook said complaints and shall take affirmative action to prevent future violations of human rights. Not one more day should go by without this Legislature approving legislation to establish the principle of respect as the homeless rightfully deserve.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.—This Act shall be known as an “Act to Create the Multi-Sector Homeless Population Support Council.”

Section 2.—Definitions.—

For the purposes of this Act, the following terms shall have the meaning stated below:

(a) Shelter.—Day or night centers which provide the homeless with a place to stay the night, eat and keep up personal hygiene daily. It includes various modalities, such as emergency shelters, nontraditional safe havens, transitional shelters and centers for populations with special chronic conditions (HIV/AIDS), and for the mentally ill.

(b) Commission.—Work group created by Act 250 of August, 1998, the Commission for the Implementation of the Public Policy Regarding the Homeless, attached to the Department of the Family, to institute the public policy established by said Act, which is repealed under this Act.

(c) Council.—Refers to the Multi-Sector Homeless Population Support Council (the Council), attached to the Department of the Family of the Commonwealth of Puerto Rico.

(d) Co-responsibility.—Refers to the conglomerate of visions and obligations shared by all social sectors to contribute in the process of reintegrating homeless persons into the community. Among the society sectors responsible for prevention and for attending to this issue are nongovernmental nonprofit and faith-based organizations, churches, the private sector, the various branches and agencies of the central government and the municipalities and their communities. Each sector shall take into account the particular and reciprocal obligations which they share with one another and bond

with one another to coordinate and carry out actions with the common goal of contributing to eradicating homelessness.

(e) Emergency.—Means any situation which places a homeless person at an imminent risk in terms of his/her safety or health, his/her bodily, mental or emotional integrity, or his/her social well-being if no immediate action is taken to address the issue in question, while respecting his/her freedom of choice.

(f) HMIS – Homeless Management Information System.—Electronic managerial data collecting system which seeks to integrate and establish the effectiveness of the rendering of services with Federal funding under the “McKinney-Vento Homeless Assistance Act.” All organizations, whether public or private, receiving funding under this Act, shall collect and maintain information regarding their operations in electronic format. It consists of an electronic information network for collecting data, deriving statistical information, and establishing inter-organizational communication.

(g) Abuse.—Means any intentional act or omission incurred when physically assaulting, abducting, persecuting, financially exploiting, committing hate crimes, inflicting abuse on account of social condition, verbally abusing with derogatory language, verbally abusing with insults or disparaging homeless persons so as to undermine their bodily, mental and/or emotional integrity.

(h) Institutional Abuse.—Means any act or omission incurred by a service provider or by any employee or official of a public or a private institution which offers services to the homeless population, which causes recipients of these services to be abused.

(i) Council Office.—The Homeless Population Service Program Liaison and Coordination Office (the Office), which is responsible for the operational and programmatic affairs of the Council.

(j) Nongovernmental Organizations.—Means those nonprofit and faith-based organizations, projects, community outreach centers, or centers attached to university institutions, churches, the private business sector, without being limited

to nonprofit and faith-based organizations not belonging to the Government which provide services to the homeless population in different situations.

(k) Homeless Persons or Homeless Population.— Also commonly known as street dwellers, includes all persons who: (1) do not have (a) the fixed, regular or adequate home in which to live or stay at night; or (2) whose home is: (a) publicly or privately supervised housing designed to provide emergency or transitory shelter, including those institutions devoted to providing transitory shelter for persons with mental health conditions or other special-need groups and who originally live on the streets; (b) an institution which provides temporary shelter to those individuals on the process of being de-institutionalized; (c) a public or private place not designed and not suitable for human habitation or ordinarily used for human beings; (d) a room, including the living room, of a private residence, to be used on a temporary basis as a shelter, an made available as a charitable act, on the condition that said use is to be short-termed and may be terminated at any time, with or without prior notice.

The following are included within the top priority groups: (a) homeless families, particularly single mothers with children; (b) homeless solo men and women; (c) homeless persons with mental health and/or substance abuse conditions as defined by SAMHSA; (d) homeless persons suffering from HIV/AIDS; (e) domestic abuse victims and survivors; and (f) homeless elderly persons. This definition shall also include all persons falling under the definition of the terms “homeless,” “homeless individual,” or “homeless person” of the Public Law known as the Stewart B. McKinney-Vento Homeless Assistance Act, as amended. The definition of homeless person under this Act includes those persons deemed to be “chronically” or “recurrently” homeless, defined as “an unaccompanied individual with a disabling condition who has been homeless continuously for a one (1)-year term or more, or who has experienced four (4) episodes of homelessness or more over the past three (3) years.” A disabling condition is defined as “a diagnosable substance abuse disorder, severe mental health conditions, developmental disabilities, or a chronic physical

disabling condition or illness, including the concurrence of two or more of these conditions.”

(l) Council President.—To be elected by Council members.

(m) Social Protection Services.—Means specialized services that seek safety for and the well-being of the homeless population and the prevention of risks of abuse or institutional abuse.

(n) Inter-agency Services.—Refers to the services offered by the various government agencies, in a coordinated manner, as part of a Continuous Care System, to enable the maximization of resources and provide quality services to homeless persons in different situations.

(o) Multi-sector Services.—Refers to the services offered by the Government and the various NGOs, the private sector, faith-based organizations, banking institutions, the academia, etc., in a coordinated manner, as part of a Continuous Care System, to enable the maximization of resources and to provide quality services to homeless persons in different situations.

Section 3.—Statement of Purpose – Grounds for Public Policy.—

The Government of the Commonwealth of Puerto Rico is aware of the fact that the issue of homelessness is one of the most serious and complex situations encountered by our society. In developing the public policy to be established on this matter, whether short-termed or immediate, emphasis should be given to attending to the basic needs of the homeless, mainly subsistence needs, in order to enable the preservation of the dignity of these human beings and their circumstances.

The Government of the Commonwealth of Puerto Rico reasserts its constitutional commitment to hold that all men and women are equal before the law and that there must be no discrimination whatsoever for reason of race, color, sex, age, birth, social condition or origin, or political or religious ideas. It is also aware of the fact that homelessness threatens healthy community living among our people, since it constantly brings out in our citizens an attitude toward homeless persons of insensitivity, contempt, harshness, shunning and fear.

Respect for the dignity of human beings and equality before the law are principles which are fundamental and nonexpendable in order to guarantee the common good and healthy community living as a people. Even though the studies conducted in the past few years estimate that over 8,000 homeless individuals roam and sleep on the streets of our country every day, deprived from the basic conditions necessary for their subsistence, we know that this is a problem which has been significantly growing during the past decades. On the other hand, despite the fact that this situation has caught the attention of some social sectors, the truth remains that this issue has yet to be understood and addressed effectively, which consequently leads to the manifestation of discriminatory behaviors and to the violation of the human rights of citizens who belong to this sector of the population. The approaches to deal with and the support strategies for homeless persons have been, in general terms, minimal and fragmentary, and to this day, they have not been conducted efficiently.

Homeless persons are a direct reflection and the most dramatic outcome of the complexities of our society. These are men and women of various ages and with different levels of education. While some of them have been part of the workforce, others have not. Many of these persons suffer from conditions associated with substance and alcohol abuse, and from various mental health conditions. On many occasions, these conditions were present before they wound up on the streets; in other cases, these have been developed as a consequence of the hardships of homelessness. Among the homeless, there are chronic psychiatric patients who have been displaced from mental health institutions, as well as persons who need special attention to be able to handle their critical living conditions and their emotional problems and who have not been admitted into the available mental health programs.

There are homeless persons who are physically and mentally ill and who on occasion are rejected by their families and friends. Others are isolated or estranged from their families, their communities, their towns and their countries, for different reasons. Homeless persons do not present homogenous characteristics. To insist on profiling homeless persons is to refuse to see their individual faces, their particular stories, their needs and their aspirations. At present, however, to be homeless is tantamount to being on

the lowest rung in terms of destitution, poverty and marginalization in our society.

The homeless are human beings with unmet basic needs, with human rights which are frequently infringed, who have also talents and dreams, and who have inner and outer strengths, from which hope is forged. Although homelessness seems to affect men mostly, the number of women who live in this condition is increasingly higher. An increase in the number of ever younger people has also been noted according to a survey conducted in 2005. The most recently identified trend is homeless families with children, composed of abused women and their children, who are housed in protection shelters. Many of these women remain at home enduring the abuse due to the lack of sheltering places that adequately accommodate their needs. For this reason, they are included as part of the homeless population under the Federal Law, given the fact that their situation places them at imminent risk of winding up homeless.

There are structural reasons within the economic, political and social system which have contributed to the situation of the homeless. Marginalization and the displacement of individuals and families arise from the cumulative effects of poverty, economic fluctuations, unemployment, injustice, social disparities, prejudices, violence, and the imbalance of power.

Homeless persons do not usually end up on the streets as the result of a single and isolated event in their lives; this is usually the result of a series of experiences and circumstances which are both internal and external to the individual, the family and society, which interact with one another throughout their lives. The lack of support from social systems contributes to the estrangement and the gradual loss of hope, which renders the reintegration of the homeless into society even more difficult, especially due to the increasing complexity of the situations they experience.

Throughout the years, different approaches to deal with and service programs directed to the homeless have been developed by the government sector and by community and nongovernmental sectors as well. These include: emergency shelters; transitory and permanent housing; daytime centers; detoxification from and treatment for drug and alcohol abuse; nourishment, nutrition, hygiene, clothing, and access

to restroom facilities and showers; primary and specialized services to attend to physical and mental health; legal support and representation; information and orientation about their citizen rights; social assistance; education and training; job placement; family reunification; and other ancillary services. These services have been instituted with the support provided by subsidies from the central government, the legislature, the municipal governments, and the Federal government, as well as from foundations, corporations, and individuals, from unpaid volunteer work, and from social security, and public health and assistance mechanisms.

The services that individuals, families and communities need at present to develop, to have support, to become empowered and to attain their stability and self-sufficiency, are either out of reach, scattered, and inaccessible, or insufficient or nonexistent. Homeless persons are the reflection of the lack of social support, understanding, and financial resources, for which reason it is necessary to consolidate the existing efforts, in order to enable them to regain a life of dignity and the possibility to develop and to achieve the well-being that they deserve as human beings and as citizens.

Section 4.—Public Policy of the Government of the Commonwealth of Puerto Rico Regarding the Homeless Population.—

The Government of the Commonwealth of Puerto Rico recognizes the need to propitiate, promote, plan and implement the development of services and facilities to address the needs of these persons, in order to enable their participation in the Puerto Rican community and allow them to continue and/or maintain a social and productive life. Services should be offered in an integrated manner, by multiple sectors, envisioning them as a continuous care system that guarantees that services and housing modalities are offered uninterruptedly, whereby the various sectors share the responsibilities of carrying out so important an effort.

Predicated under the concept of co-responsibility, it is hereby established that:

(a) The public policy regarding homeless persons is based on the following principles:

1. Homeless persons are entitled to a life of dignity and to fully enjoy all the human and

citizen rights that protect them, including the right to freely and responsibly use and enjoy public spaces and the right to housing.

2. Homeless persons should be validated, supported, protected and empowered, in order for them to be able to assume individual, familial and social duties and responsibilities, including the obligation to take care of themselves, to make a commitment toward self-respect and their personal development, and toward contributing with their talents to social cohesion and development.

3. Homeless persons should receive services that include but are not limited to: emergency shelters; transitory and permanent housing; daytime centers; detoxification from and treatment for drug and alcohol abuse; nourishment, nutrition, hygiene, clothing, and access to restroom facilities and showers; primary and specialized services to attend to physical and mental health; legal support and representation; police and judicial protection; information and orientation about their citizen rights; social assistance; education and training; job placement; opportunities for the development of their entrepreneurial capabilities directed to generating sufficient financial income; family reunification; and other support services, among others.

(b) This public policy:

1. Recognizes that the Government is one among the different service providers and that the entities which have proven to be the most capable and effective should have the resources needed to offer services; therefore, the principle of an efficient multi-sector coordination is hereby privileged.

2. Proposes the creation of community-based or municipal integrated services and management centers, whether permanent or ambulatory, to serve as vital points of contact between homeless persons and the services offered.

3. Proposes the establishment of alliances among all sectors that are directly or

indirectly involved in this issue. Possible contributions are listed by sector, as follows:

(a) The various agencies and instrumentalities of the Central Government of the Commonwealth of Puerto Rico make the commitment and assume the responsibility for procuring, providing, facilitating and coordinating effective services, such as social support, housing, physical and mental health services, safety, and training and job opportunities, responsibly and respectfully for homeless persons. Furthermore, they make the commitment to conduct the efforts necessary to oversee and enforce the human and citizen rights that protect this population and to report on the feasibility of providing greater access to financial resources, from the Government and from external sources as well, and to technical assistance for the development of projects covering an array of housing modalities and for rendering services, and to guarantee an ample dissemination of information to all interested sectors.

(b) The Municipal Governments, given their close ties to the community, shall be responsible for guaranteeing that the best direct basic services are respectfully and responsibly offered to homeless persons, such as social support, housing, physical and mental health services, safety, and training and job opportunities, while safeguarding their municipal autonomy. Furthermore, municipal governments may coordinate with community entities of their area to which they allocate funds for services to offer these services in a more coordinated, efficient, prompt and sensitive manner, and shall eliminate from Law and Order Codes and from any other regulation or resolution, any clause which penalizes and threatens the life and safety of or which violates the human and citizen rights that protect this population, and make all efforts necessary to oversee and enforce the same in all sectors of society.

(c) Community-Based Entities, as well as the business, the nonprofit, and the faith-based sectors, shall be responsible for guaranteeing that the needs of homeless persons are addressed respectfully and responsibly. These entities, together with all other sectors, shall form an effective service provider network whereby each shall contribute with their particular services in support of actions to give integrated attention to the problems and needs of homeless persons.

(d) The private sector, as part of its social and entrepreneurial responsibility, is hereby included in this service and sector network, to support the efforts of all other partners in this endeavor and to promote and support the efforts to raise awareness in the general population on the diversity of elements involved in this issue through publicity campaigns and education promoting basic services.

(e) The Legislature shall be diligent in contributing to this alliance by requiring, investigating and receiving information from administrators, by overseeing programs in order to ensure compliance with this public policy, and by making public disclosure of the services offered by entities.

(f) The whole of society should join efforts to seek solutions that conform to human rights and uphold values such as respect for life, for dignity, and for solidarity, as is characteristic of our people.

(g) The central government, together with community entities, the municipal governments and the private sector, should:

4. Formulate and implement strategies which enable the empowerment of homeless persons and their full participation in the community with dignity. These strategies should be directed toward transforming the way in which this issue has been traditionally perceived and toward offering approaches, strategies and solutions whereby all social sectors assume their responsibilities

with solidarity, in order to contribute to significantly improve the living conditions of homeless persons.

5. Support strategies leading to prevention, intervention, community activism, coordination of services, specialized attention, and sensitive and effective follow-up, among other things. Appeal to consensus, collaboration, tolerance, shared responsibility and personal empowerment.

6. Prohibit the persecution, the penalization, the coercion and punitive, exclusivist and discriminatory approaches in seeking temporary or permanent solutions to the problems of homeless persons.

7. Articulate as a whole, those strategies directed to obtaining a housing unit; to the empowerment of homeless persons; to the affirmation of all their human and civil rights; to providing access to educative, educational and recreational activities; to their exercising of their citizen and social responsibilities and obligations; and to providing experiences that, to the extent their individual capabilities allow, enable them to generate their own income and to lead a healthy and independent life with dignity.

Section 5.—Declaration of the Rights of the Homeless.—

The Government of the Commonwealth of Puerto Rico recognizes that homeless persons are an integral part of our society, for which reason they are protected by certain inalienable rights which guarantee their integrated development, as any other citizen and resident of Puerto Rico.

The services guaranteed through the following declaration shall be rendered as established by the public policy, as set forth in this Act, through coordination with entities which include municipal governments and the central government and its government agencies, nonprofit community entities, faith-based entities, and the private sector.

(a) Rights of the Homeless.— The rights and benefits hereby guaranteed are:

1. The right to receive shelter which is adequate and suitable for human habitation, with the appropriate toileting and restroom facilities, within a safe environment of dignity and respect.

2. The right to receive nourishment services, three meals a day, with adequate diets, as well as the nutritional or vitamin supplements necessary to ensure their health and well-being.

3. The right to receive medical attention in its preventative, clinical, and rehabilitative and interventional phases, as well as attention in the area of mental health and related services, including the opportunity of having available diverse alternatives in detoxification and treatment programs for conditions associated with substance abuse and mental health, according to the specific characteristics of the individual who requests the service.

4. The right to receive orientation and to have effective access to all public social services and benefits for which they qualify, and to have the assistance and support needed to obtain, including but not limited to:

a—Integrated health services;

b—Government financial and nutritional aids; and

c—Emergency shelters, or transitory or permanent housing.

5. The right to receive orientation, assistance, training and retraining, in order to enable the homeless to become a part of the workforce.

6. The right to receive protection from law enforcement officers against any kind of mistreatment or abuse of their bodily or mental integrity, threats, or debasing or discriminatory acts.

7. The right to the following benefits and services:

a—To receive legal orientation free of charge.

b—To being provided a postal address free of charge to receive mail.

c—To have access to complementary services, such as support groups, and sectarian and nonsectarian counseling, taking into account their individual preferences, etc.

d—To specialized therapy.

e—To recreational and cultural activities, among others.

8. The right to have free access to town squares, parks and all other public facilities, except those that due to the nature of their use, are deemed to be private property or free access thereto is not allowed or poses a risk to the life and safety of homeless or other persons.

9. The right to have access to juridical services that ensure greater protection and care.

10. The right to receive training in strategies on how to obtain financial resources and to the promotion of initiatives directed to encouraging efforts leading to self-management and self-sufficiency.

The Council, through the Department of the Family and as approved by Council members, shall establish expeditious mechanisms for the purpose of identifying possible violations of the rights of homeless persons, as established in the preceding Declaration of Rights.

(b) Processing of Petitions or Complaints.—

The Secretary of the Department of the Family is hereby conferred the authority, with the approval of the Council members, to establish the systems needed to provide access, receive and process claims and complaints lodged by a homeless person or his/her representative when he/she alleges any action or omission by government agencies, the community sector, the faith-based or the private sector, which injure the rights afforded under the Constitution of the

United States of America, the Constitution of the Commonwealth of Puerto Rico, and the laws and regulations in effect.

All complaints instituted under the provisions of this Act shall be processed as provided by the regulations to be approved to that effect in compliance with Act No. 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico."

The Department, in the exercise of the adjudicative authorities conferred by this Act, may designate examining officials to preside over the administrative hearings held. Adjudicative procedures shall be governed by the laws and regulations in effect and by those adopted by the Department for such a purpose, including matters relative to the recourse of reconsideration and review of an adverse determination by the Department.

Section 6.—The Multi-Sector Homeless Population Support Council (the Council).—

The Multi-Sector Homeless Population Support Council is hereby created for the purpose of implementing and developing the public policy regarding homeless persons. The Council shall be responsible for coordinating and overseeing the effective and timely execution of the services for and the rights of this population.

Council members shall be responsible for seeking and developing new options regarding services and housing which address unmet needs and which anticipate other foreseeable needs of homeless persons. Furthermore, the Council shall promote the procurement, allocation and adjudication of funds to facilitate the activities and services that this population needs, and provide orientation about their availability.

A. The Council shall be attached to the Department of the Family, with the purpose of conducting the continuous development of public policies and the strategic planning of programs and services as established under this Act.

B. The Council shall be composed of a minimum

of twenty-one (21) members. The members shall be:

1. Representatives from the government sector, who shall be nine (9) members, including the Secretary of the Department of the Family; the Secretary of the Department of Labor and Human Resources; the Secretary of the Department of Education; the Secretary of the Department of Corrections and Rehabilitation; the Secretary of the Department of Health; the Administrator of the Mental Health and Drug Addiction Services Administration (ASSMCA, Spanish acronym); the Superintendent of the Police; and the Commissioner of Municipal Affairs (OCAM, Spanish acronym) or their representatives.

2. Representatives from interested sectors, which shall be twelve (12) members:

a. One representative for each Homeless Services Coalition; there were nine (9) Coalitions at the time of introducing this Bill. Others may be instituted in the future and should be able to partake in the proceedings of the Council. Coalition members shall be active members of the Coalition they represent. Coalitions may replace their representative on the following grounds: resignation, death, permanent disability, conflict of interest, questionable reputation, and/or other circumstances that the Coalitions believe impede exercising this representation to serve their best interests.

b. Two (2) representatives from among persons who have experienced homelessness, who shall be nominated by service organizations.

c. One (1) representative from the private (entrepreneurial, commercial or industrial) sector.

3. Council Presidency: Council members shall elect the President of said entity, who shall hold office for a three (3)-year term.

C. Members who represent the government sector shall be appointed by the Governor of the Commonwealth of Puerto Rico. Members representing each Coalition shall be submitted for the confirmation of the Governor and selected by the affirmative vote of the members of each Coalition and certified by Corporate Resolution. The Governor shall confirm the persons nominated to represent the remaining interested sectors.

D. Representatives from interested sectors shall hold office for a term of six (6) consecutive years or until their successors are appointed and take office.

E. The Council may invite to its meetings and proceedings other agencies and instrumentalities of the Government of the Commonwealth of Puerto Rico, as well as nonprofit private, community and faith-based institutions, the private sector in general, universities, and organizations devoted to providing services to the homeless population.

F. The expenses of any Council member, incurred when representing the Council, shall be disbursed pursuant and in conformance with the regulations to be issued to that effect.

G. The Council shall meet at least once (1) every two (2) months. The President may call to other meetings by giving prior notice at least five (5) calendar days in advance. Two thirds (2/3) of the members shall constitute quorum. In all determinations made by the Council, a quorum shall be constituted, and said determinations shall be approved by the affirmative vote of the majority of the Council members present. Due to the importance of the Council's business, he/she shall ensure that all necessary efforts shall be made to adequately call all Council members to meetings, including, if necessary, the provision of adequate transportation to the representatives of the homeless who have been nominated by service organizations.

H. The Secretary of the Department of the Family may nominate, for the approval of the Council members, the Executive Director and the personnel of the Homeless Population Program and Service Liaison and Coordination Office (the

Office), described below.

Section 7.—Responsibilities of the Council.—

The Council shall be constituted within a term of sixty (60) days after the date of approval of this Act and shall impart continuity to the proceedings of the Commission being repealed hereunder. The Council shall have the following responsibilities and powers:

a—To adopt and approve the Bylaws of the Council, whereby operating procedures, work committees, decision-making processes, and other matters relative to the operations of the Council shall be established to allow flexibility and the timely and effective action as regards the implementation of the public policy, as delegated and required for compliance with the provisions of this Act.

b—To adopt the necessary guidelines and regulations for the preparation of the plan to provide accessible and adequate housing for homeless persons, which plan is to be prepared by municipal governments, for the purpose of addressing the issues affecting homeless persons in their respective jurisdictions. These plans are to be approved by the Municipal Legislature of each Municipality and submitted to the Council for its approval. These shall be reviewed regularly to conform the same to the changes in the conditions of homeless persons.

c—To conduct and/or gather studies about the issues affecting the homeless population. These shall be evaluated and commented on by its members or by the organizations and institutions designated by its members, in order to establish strategies and the plan of action with the pertinent agencies. Adjustments to the plan of action of the Council shall be made every two years.

d—To prepare and/or gather reports about the magnitude of the issues which affect and define the characteristics of the homeless population, including but not limited to the number of homeless persons, age, sex, characteristics of their family unit, and data on the history of this population in general, be it throughout the Island or in each community, municipality or region.

e—To identify and coordinate needs to be addressed, services and housing modalities to prevent homelessness and attend to the homeless population, in order to conjoin the efforts of the central government, the municipal governments, the private sector, the research centers, and those nonprofit and faith-based entities which attend to this social and human problem to address the needs of the homeless population.

f—To require, monitor and oversee all Departments, Agencies, Corporations or public instrumentalities of the Government of the Commonwealth of Puerto Rico which offer services to this population, as well as the development and implementation of a Homeless Service Protocol and Plan of Action, which is to be approved by the Council. The implementation of Protocols and Plans of Action shall be accompanied by technical training sessions, including on sensitization skills, pursuant to the instructions established by the Council for such a purpose.

g—To require, furthermore, that Council members render detailed biannual reports, to include the progress of their efforts as to the various responsibilities involved in the implementation of the public policy, as delegated and required for compliance with the provisions of this Act. The Council shall also require that third parties render reports about specific tasks entrusted to and requested from them, pursuant to the terms of such a request.

h—To remit a copy of its work plans, service protocols, guidelines and instructions for collaboration and coordination, research, publications, and others to the Governor and to the Legislature of the Commonwealth of Puerto Rico as adopted and instrumented.

i—To enter into collaboration agreements and alliances with all sectors that reconcile the interests and needs of homeless persons and of residents of the communities where the former receive services.

j—The Council shall require that the entities responsible for law enforcement and for administering justice gather and make available all data relative to interventions, claims or

services rendered to homeless persons, with the purpose of establishing preventive actions.

k—The Council shall approve regulations as it may deem necessary, so that the agencies of the Commonwealth government, the municipalities, and the members of the Council comply with the public policy set forth in this Act. Said regulations may contemplate the imposition of administrative fines of up to the amount of five thousand dollars (\$5,000) to offenders violating this Act or the regulations adopted by the Council.

l—To submit for the attention of the Governor and the Legislature of the Commonwealth of Puerto Rico, a yearly report on the progress, achievements, challenges, obstacles and strategies. Furthermore, it shall remit a copy of such a report to the Civil Rights Commission for action as it may deem pertinent.

Section 8.—The Homeless Population Program and Service Liaison and Coordination Office (the Office).—

The Homeless Population Program and Service Liaison and Coordination Office (the Office) shall be responsible for discharging the following functions for the general operation of the Council:

a—To coordinate the meetings of the Council and its work committees.

b—To prepare and keep the official documents of the Council.

c—To keep an agenda of the activities of the Council.

d—To act as Custodian of the records, projects and general works of the Council.

e—To integrate statistical data and the reports available in Puerto Rico regarding homeless persons.

f—To act as liaison and to articulate programs relative to the purposes of this Act.

g—To provide information to the communications media and the general population about the plans to provide for accessible and adequate housing for all homeless

persons.

h—To work in close coordination with Council members and to support them, in order to develop activities as delegated by this Act and other related activities.

i.—To provide orientation and educate and sensitize the general population about the needs of homeless persons, the plans to provide accessible and adequate housing established in Puerto Rico, and the existing services, among others.

j—To provide orientation and to refer homeless persons as regards the rights that protect them, as well as the services and housing modalities available.

Section 9.—Strategic Plans To Provide Accessible and Adequate Housing For All Homeless Persons.—

The Council shall integrate the plans that exist in Puerto Rico into a single document and facilitate the implementation thereof, with emphasis on the following areas but not limited to:

a. Prevention.—

1. Designing and carrying out prevention campaigns to help to raise awareness and to sensitize the general citizenry about the situation of homeless persons.

2. Educating our children and youths on sensitive issues, to help prevent situations which lead to homelessness.

3. Motivating the general community through campaigns, so that all sectors take on a proactive role and show solidarity in seeking solutions for the situations affecting homeless persons.

4. Coordinating services for persons or families that are at risk of losing their home, including materials to repair and rehabilitate inadequate housing units, financial assistance, training and job opportunity services, health services, social support in situations that constitute a personal and/or family emergency, and legal advice.

b. Sensitization and Raising Awareness.—

1. Educating all service sectors and the general community, in order to sensitize them as to the fair treatment to be accorded to this population, so as to prevent abuse and institutional abuse.
2. Offering and ensuring that homeless persons shall be treated humanely, fairly, respectfully, exercising tolerance and as equals, while guaranteeing protection and equality and recognizing their rights.
3. Providing orientation to communities about discriminatory practices in treating homeless persons.
4. Promoting models for treatment and service protocols in attention to the needs of homeless persons from a sensitive, salubrious and nonpunitive perspective, upholding the dignity of human beings.

c. Access to Government Services.—

1. Ensuring that homeless persons receive, as would any person residing in Puerto Rico, all government services offered for which they qualify without restriction as to their access to any government, Commonwealth or municipal aid or service, on account of not having a physical address.
2. Establishing programs to train the personnel that is to work with this population, so as to enable this personnel to offer efficient and effective services, while treating homeless persons respectfully and responsibly.
3. Planning counseling, orientation, referral and support services for homeless persons.
4. Developing and implementing multi-sector collaboration processes and bridge the ties and enter into co-responsibility agreements with all sectors.

d. Human and Health Services.—

1. Establishing a plan of action that provides different solutions and alternatives for the health conditions afflicting homeless persons, such as:

- a. Access to public restrooms and toileting facilities in which the basic services for personal hygiene are provided.
- b. Access to services provided by social workers and human behavior professionals; assistance and follow-up on homeless persons, with special emphasis on the affective area, self-esteem, scale of values, and attitudes, among others.
- c. Access to specialized services for homeless persons who exhibit conditions associated with substance and/or alcohol abuse, and/or mental health conditions.
- d. Access to health clinics or services for the early detection of HIV/AIDS, tuberculosis, hepatitis, and other infectious diseases.
- e. Access to medical services or to orientation as required for admission into programs for rehabilitation from conditions associated with substance abuse.
- f. Access to centers providing first aid, laboratory and X-ray services, and distribution of prescribed medications.
- g. Access to Daytime Centers to afford rest to homeless persons whose health requires that they stay in bed, including persons with HIV/AIDS who are not in the terminal phase.
- h. Expedient access to the Government Health Plan, as would be available to any medically indigent person.
- i. The implementation and use of ambulatory healthy clinics which provide multiple services, in order for homeless persons to have easier access to these services.

2. Propitiating programs to address these issues or using existing resources to fully incorporate into its functions, actions to duly address the issues of homeless persons. Involving private, semipublic, nonprofit community and faith-based entities in these efforts.

3. Guaranteeing that health services shall be obtained voluntarily, respecting the constitutional right of this population to receive these services with dignity and freedom. The need for these services shall not entail in any way a deprivation of the right to free determination of homeless persons, pursuant to constitutional protections afforded even to recurrently homeless persons.

e. Housing.—

1. Promoting the development of different housing solutions, alternatives and modalities, geared toward tackling the problem posed by the lack of housing for homeless persons, projecting the development of mixed and integrative communities, where citizens from all social and financial statuses shall live, thus preventing the creation of marginalized urban sections.

2. Identifying vacant and abandoned buildings in the municipalities, to be used for the development of affordable housing modalities, taking into consideration the special needs and conditions of homeless persons.

3. Including into the Affordable Housing Plan of Action, so that the same contains the following housing modalities or alternatives:

a. Emergency shelter: these shelters, be they daytime or nighttime centers, shall enable homeless persons to spend the night, eat and upkeep their daily hygiene, for a maximum term of six months.

b. Transitory housing: these housing units shall consist of rooms, apartments or

houses provided on a temporary basis, up to a maximum of twenty-four (24) months for those who wish and are ready to live in and upkeep a home independently.

c. Permanent housing: providing public or private housing units on a permanent basis to homeless persons.

d. Permanent housing with support services: Permanent housing which offers at its facilities, those support services needed to address the special needs of homeless persons who require support and/or supervision in order to effectively live independently.

4. Reviewing the norms and regulations that establish the requirements to gain access to housing services.

f. Job Opportunities and Financial Income.—

1. Implementing a plan of action that provides different alternatives for the problem posed by joblessness or the lack of income of homeless persons, so that they may achieve financial stability, be able to upkeep their home and be self-sufficient. To wit:

a. The development of community employment and self-employment programs and assist them in marketing and distributing their products.

b. The development of training courses that allow skill-building for competitive jobs which yield a financial income higher than the minimum wage and which are in demand on the Island.

c. The development of programs which allow for the fullest development of the vocational skills and abilities of homeless persons.

d. Providing orientation to homeless persons who wish to finish their studies and later assist them with referrals and help them so that they may achieve the

level of education they want, as a prelude to paid employment to enable them to become self-sufficient.

e. The design and implementation of strategies that allow for handling the situation created by the existence of a criminal history at the time of gaining access to educational, training, entrepreneurial development, and employment programs, as well as social welfare and housing programs, among others.

Section 10.—Budgetary Appropriation.—

In order to comply with the provisions of the Act, the sum of two hundred and fifty thousand dollars (\$250,000.00) is hereby appropriated as a minimal amount under the yearly operational budget of the General Fund. These funds shall originate from the budgetary appropriation for the Commission for the Implementation of the Public Policy Regarding the Homeless, which is repealed by this Act. The Department of the Family shall include in its operational budget, the expenses relative to compliance with this Act, which it shall so record on its yearly budget petition.

All government agencies who are Council members shall make sure they set aside the budgetary item amount needed to comply with the appropriations imposed under this Act and with the strategic plan adopted by the Council, as pertinent. These appropriations shall not be deemed to be a part of the budget of the Council.

The Legislature shall ascertain, during the government budget consideration process for Fiscal Year 2007-2008 and henceforth, compliance with the provisions of this Section.

Section 11.—Constitutional Severability.—

Should any provision of those set forth in this Act be found to be unconstitutional, such a finding of unconstitutionality shall not affect the remaining provisions of this Act.

Section 12.—Repeal.—

The provisions of Act No. 250 of August 18, 1998, as

amended, are repealed by virtue of the approval of this Act.

Section 13.—Effectiveness.—

This Act shall take effect immediately after its approval. The property, documents, files and records under the custody of the Commission for the Implementation of the Public Policy Regarding the Homeless shall be transferred to the Council.

B. Rhode Island

Chapter 356

2012 -- S 2052 SUBSTITUTE B

Enacted 06/20/12

AN ACT

RELATING TO PROPERTY - RHODE ISLAND FAIR HOUSING PRACTICES ACT

It is enacted by the General Assembly as follows:

SECTION 1. Title 34 of the General Laws entitled "Property" is hereby amended by adding thereto the following chapter:

CHAPTER 37.1

HOMELESS BILL OF RIGHTS

34-37.1-1. Short title. – This chapter shall be known and may be cited as the "Homeless Bill of Rights."

34-37.1-2. Legislative intent. – (1) At the present time, many persons have been rendered homeless as a result of economic hardship, a severe shortage of safe, affordable housing, and a shrinking social safety net.

(2) Article 1, Section 2 of the Rhode Island State Constitution states in part, that "All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws."

(3) Concordant with this fundamental belief, no person should suffer unnecessarily or be subject to unfair discrimination based on his or her homeless

status. It is the intent of this chapter to ameliorate the adverse effects visited upon individuals and our communities when the state's residents lack a home.

34-37.1-3. Bill of Rights. – No person's rights, privileges, or access to public services may be denied or abridged solely because he or she is homeless. Such a person shall be granted the same rights and privileges as any other resident of this state. A person experiencing homelessness:

- (1) Has the right to use and move freely in public spaces, including, but not limited to, public sidewalks, public parks, public transportation and public buildings, in the same manner as any other person, and without discrimination on the basis of his or her housing status;
- (2) Has the right to equal treatment by all state and municipal agencies, without discrimination on the basis of housing status;
- (3) Has the right not to face discrimination while seeking or maintaining employment due to his or her lack of permanent mailing address, or his or her mailing address being that of a shelter or social service provider;
- (4) Has the right to emergency medical care free from discrimination based on his or her housing status;
- (5) Has the right to vote, register to vote, and receive documentation necessary to prove identity for voting without discrimination due to his or her housing status;
- (6) Has the right to protection from disclosure of his or her records and information provided to homeless shelters and service providers to state, municipal and private entities without appropriate legal authority; and the right to confidentiality of personal records and information in accordance with all limitations on disclosure established by the Federal Homeless Management Information Systems, the Federal Health Insurance Portability and Accountability Act, and the Federal Violence Against Women Act; and
- (7) Has the right to a reasonable expectation of privacy in his or her personal property to the same extent as personal property in a permanent residence.

34-37.1-4. Damages and attorneys' fees. – In any civil action alleging a violation of this chapter, the court may award appropriate injunctive and declaratory relief, actual damages, and reasonable attorneys' fees and costs to a prevailing plaintiff.

34-37.1-5. Definitions. – For purposes of this chapter, "housing status" shall have the same meaning as that contained in section 34-37-3.

SECTION 2. Sections 34-37-1 and 34-37-3 of the General Laws in Chapter 34-37 entitled "Rhode Island Fair Housing Practices Act" are hereby amended to read as follows:

34-37-1. Finding and declaration of policy. -- (a) In the State of Rhode Island and Providence Plantations, hereinafter referred to as the state, many people are denied equal opportunity in obtaining housing accommodations and are forced to live in circumscribed areas because of discriminatory housing practices based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. These practices tend unjustly to condemn large groups of inhabitants to dwell in segregated districts or under depressed living conditions in crowded, unsanitary, substandard, and unhealthful accommodations. These conditions breed intergroup tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard; endanger the public health; jeopardize the public safety, general welfare and good order of the entire state; and impose substantial burdens on the public revenues for the abatement and relief of conditions so created. These discriminatory and segregative housing practices are inimical to and subvert the basic principles upon which the colony of Rhode Island and Providence Plantations was founded and upon which the state and the United States were later established.

Discrimination and segregation in housing tend to result in segregation in our public schools and other public facilities, which is contrary to the policy of the state and the constitution of the United States.

Further, discrimination and segregation in housing adversely affect urban renewal programs and the growth, progress, and prosperity of the state. In order to aid in the correction of these evils, it is necessary to safeguard the right of all individuals to equal opportunity in obtaining housing accommodations free of discrimination.

(b) It is hereby declared to be the policy of the state to assure to all individuals regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, or disability, age, familial status, housing status, or those tenants or applicants, or members of a household, who are, or have been, or are threatened with being, the victims of domestic abuse, or those tenants or applicants who have obtained, or sought, or are seeking, relief from any court in the form of a restraining order for protection from domestic abuse, equal opportunity to live in decent, safe, sanitary, and healthful accommodations anywhere within the state in order that the peace, health, safety, and general welfare of all the inhabitants of the state may be protected and insured.

(c) The practice of discrimination in rental housing based on the potential or actual tenancy of a person with a minor child, or on the basis that a tenant or applicant, or a member of the household, is or has been or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse is declared to be against public policy.

(d) This chapter shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health, and peace of the people of the state.

(e) Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with section 34-18-24(7).

34-37-3. Definitions. -- When used in this chapter:

- (1) "Age" means anyone over the age of eighteen (18).
- (2) "Commission" means the Rhode Island

commission for human rights created by section 28-5-8.

(3) "Disability" means a disability as defined in section 42-87-1.

Provided further that the term "disability" does not include current, illegal use of or addiction to a controlled substance, as defined in 21 U.S.C. section 802.

(4) "Discriminate" includes segregate, separate, or otherwise differentiate between or among individuals because of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, housing status, or familial status or because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, housing status, or familial status of any person with whom they are or may wish to be associated.

(5) The term "domestic abuse" for the purposes of this chapter shall have the same meaning as that set forth in section 15-15-1, and include all forms of domestic violence as set forth in section 12-29-2, except that the domestic abuse need not involve a minor or parties with minor children.

(6) (i) "Familial status" means one or more individuals who have not attained the age of eighteen (18) years being domiciled with:

(A) A parent or another person having legal custody of the individual or individuals; or

(B) The designee of the parent or other person having the custody, with the written permission of the parent or other person provided that if the individual is not a relative or legal dependent of the designee, that the individual shall have been domiciled with the designee for at least six (6) months.

(ii) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(7) The terms, as used regarding persons with disabilities, “auxiliary aids and services,” “reasonable accommodation,” and “reasonable modifications” have the same meaning as those terms are defined in section 42-87-1.1.

(8) The term “gender identity or expression” includes a person’s actual or perceived gender, as well as a person’s gender identity, gender-related self image, gender-related appearance, or gender-related expression; whether or not that gender identity, gender-related self image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person’s sex at birth.

(9) “Housing accommodation” includes any building or structure or portion of any building or structure, or any parcel of land, developed or undeveloped, which is occupied or is intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or residence of one or more persons.

(10) “Otherwise qualified” includes any person with a disability who with respect to the rental of property, personally or with assistance arranged by the person with a disability, is capable of performing all the responsibilities of a tenant as contained in section 34-18-24.

(11) “Owner” includes any person having the right to sell, rent, lease, or manage a housing accommodation.

(12) “Person” includes one or more individuals, partnerships, associations, organizations, corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers, legal representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons as defined in chapter 20.5 of title 5.

(13) “Senior citizen” means a person sixty-two (62) years of age or older.

(14) The term “sexual orientation” means having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the criminal laws of this state

nor impose any duty on a religious organization. This definition does not confer legislative approval of said status, but is intended to assure the basic human rights of persons to hold and convey property and to give and obtain credit, regardless of such status.

(15) The term “victim” means a family or household member and all other persons contained within the definition of those terms as defined in section 12-29-2.

(16) The term “housing status” means the status of having or not having a fixed or regular residence, including the status of living on the streets or in a homeless shelter or similar temporary residence.

SECTION 3. This act shall take effect upon passage.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF AN ACT
RELATING TO PROPERTY - RHODE ISLAND FAIR
HOUSING PRACTICES ACT

This act would create a Homeless Bill of rights in order to provide all residents with an opportunity to live in decent, safe and sanitary accommodations regardless of housing status.

This act would take effect upon passage.

C. Illinois

Public Act 098-0516 AN ACT in relation to homeless persons.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Bill of Rights for the Homeless Act.

Section 5. Legislative intent. It is the long-standing policy of this State that no person should suffer unnecessarily from cold or hunger, be deprived of shelter or the basic rights incident to shelter, or be subject to unfair discrimination based on his or her homeless status. At the present time, many persons have been rendered

homeless as a result of economic hardship, a severe shortage of safe and affordable housing, and a shrinking social safety net. It is the intent of this Act to lessen the adverse effects and conditions caused by the lack of residence or a home.

Section 10. Bill of Rights.

(a) No person's rights, privileges, or access to public services may be denied or abridged solely because he or she is homeless. Such a person shall be granted the same rights and privileges as any other citizen of this State. A person experiencing homelessness has the following rights:

- (1) the right to use and move freely in public spaces, including but not limited to public sidewalks, public parks, public transportation, and public buildings, in the same manner as any other person and without discrimination on the basis of his or her housing status;
- (2) the right to equal treatment by all State and municipal agencies, without discrimination on the basis of housing status;
- (3) the right not to face discrimination while maintaining employment due to his or her lack of permanent mailing address, or his or her mailing address being that of a shelter or social service provider;
- (4) the right to emergency medical care free from discrimination based on his or her housing status;
- (5) the right to vote, register to vote, and receive documentation necessary to prove identity for voting without discrimination due to his or her housing status;
- (6) the right to protection from disclosure of his or her records and information provided to homeless shelters and service providers to State, municipal, and private entities without appropriate legal authority; and the right to confidentiality of personal records and information in accordance with all limitations on disclosure established by the federal Homeless Management Information Systems, the federal Health Insurance Portability and Accountability Act, and the federal Violence Against Women Act; and

(7) the right to a reasonable expectation of privacy in his or her personal property to the same extent as personal property in a permanent residence.

(b) As used in this Act, "housing status" means the status of having or not having a fixed or regular residence, including the status of living on the streets, in a shelter, or in a temporary residence.

Section 15. Damages and attorney's fees. In any civil action alleging a violation of this Act, the court may award appropriate injunctive and declaratory relief, actual damages, and reasonable attorney's fees and costs to a prevailing plaintiff.

Section 99. Effective date. This Act takes effect upon becoming law.

D. Connecticut

Substitute Senate Bill No. 896 Public Act No. 13-251

AN ACT CONCERNING A HOMELESS PERSON'S BILL OF RIGHTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective October 1, 2013) (a) There is created a Homeless Person's Bill of Rights to guarantee that the rights, privacy and property of homeless persons are adequately safeguarded and protected under the laws of this state. The rights afforded homeless persons to ensure that their person, privacy and property are safeguarded and protected, as set forth in subsection (b) of this section, are available only insofar as they are implemented in accordance with other parts of the general statutes, state rules and regulations, federal law, the state Constitution and the United States Constitution. For purposes of this section, "homeless person" shall have the same meaning as in 42 USC 11302, as amended from time to time.

(b) Each homeless person in this state has the right to:

- (1) Move freely in public spaces, including on

public sidewalks, in public parks, on public transportation and in public buildings without harassment or intimidation from law enforcement officers in the same manner as other persons;

(2) Have equal opportunities for employment;

(3) Receive emergency medical care;

(4) Register to vote and to vote;

(5) Have personal information protected;

(6) Have a reasonable expectation of privacy in his or her personal property; and

(7) Receive equal treatment by state and municipal agencies.

(c) Each municipality may post in the usual location for municipal notices a notice entitled "HOMELESS PERSON'S BILL OF RIGHTS" that contains the text set forth in subsection (b) of this section.

Approved July 11, 2013

1	Martha Burt, et al., <i>Helping America's Homeless: Emergency Shelter or Affordable Housing?</i> , (2001) at 49.	13	U.S. Interagency Council on Homelessness, <i>Opening Doors: Federal Strategic Plan to Prevent and End Homelessness</i> (2010), available at http://usich.gov/PDF/OpeningDoors_2010_FSPPreventEndHomeless.pdf .
2	In October, the U.S. Department of Education released data showing that public schools served a record number of homeless children and youth: over 1.1 million. The 1,168,354 homeless students enrolled by U.S. preschools and K-12 schools in the 2011-2012 school year is the highest number on record and represents a 10 percent increase over the previous school year. National Center for Homeless Education, <i>Education for Homeless Children and Youths Program 4</i> (2013) available at http://center.serve.org/nche/downloads/data-comp-0910-1112.pdf .	14	See, e.g., <i>Pottinger v. City of Miami</i> , 810 F. Supp. 1551 (S.D. Fla. 1992); see also <i>Jones v. City of Los Angeles</i> , 444 F.3d 1118 (9th Cir. 2006).
3	See National Law Center on Homelessness & Poverty, <i>Cruel, Inhuman & Degrading: Homelessness in the United States under the International Covenant on Civil & Political Rights</i> (2013), available at http://www.nlchp.org/Cruel_Inhuman_and_Degrading .	15	Human Rights Committee, Concluding Observations of the Committee on fourth report of the United States of America, ¶ 19, U.N. Doc. CCPR/C/USA/CO/4 (2013).
4	See Sara K. Rankin, <i>A Homeless Bill of Rights (Revolution)</i> (surveying various provisions of proposed and enacted homeless bills of rights and evaluating benefits and challenges of such legislation), available at http://ssrn.com/abstract=2376488 .	16	U.S. Interagency Council on Homelessness, <i>Searching out Solutions: Constructive Alternatives to the Criminalization of Homelessness</i> at 8 (2012), available at http://usich.gov/resources/uploads/asset_library/RPT_SoS_March2012.pdf .
5	The surveys were conducted by Seattle University School of Law Professor Sara Rankin and some of her students as research for Professor Rankin's detailed analysis of homeless bills of rights legislation. See <i>supra</i> , note 4.	17	Maria Foscarinis, in U.S. Interagency Council on Homelessness, <i>Opening Doors: Federal Strategic Plan to End Homelessness</i> at 47 (2010), available at http://usich.gov/PDF/OpeningDoors_2010_FSPPreventEndHomeless.pdf .
6	U.S. Department of Housing and Urban Development, <i>The 2013 Annual Homeless Assessment Report (AHAR) to Congress: Point-in-Time Estimates of Homelessness</i> , (2013) available at https://www.onecpd.info/resources/documents/AHAR-2013-Part1.pdf .	18	See Sargent Shriver National Center on Poverty Law, <i>When Discretion Means Denial: The Use of Criminal Records to Deny Low-Income People Access to Federally Subsidized Housing in Illinois</i> (2011), available at http://povertylaw.org/sites/default/files/webfiles/when-discretion-means-denial.pdf .
7	See Maria Foscarinis, <i>Homeless Problem Bigger Than Our Leaders Think: Column</i> , USA TODAY, Jan. 16, 2014, available at http://www.usatoday.com/story/opinion/2014/01/16/homeless-problem-obama-america-recession-column/4539917/ .	19	See Elizabeth Schultz, <i>The Fourth Amendment Rights of the Homeless</i> , 60 FORDHAM L. REV. 1003 (1992), available at http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2971&context=flr .
8	In October, the U.S. Department of Education released data showing that public schools served a record number of homeless children and youth: over 1.1 million. The 1,168,354 homeless students enrolled by U.S. preschools and K-12 schools in the 2011-2012 school year is the highest number on record and represents a 10 percent increase over the previous school year. NCHE Education for Homeless Children, <i>supra</i> note 2.	20	See Sara Rankin, <i>Prime Suspects</i> (paper on file with the author) (arguing that these and other hallmarks support the construction of homeless people as a suspect class).
9	United States Conference of Mayors, <i>Hunger and Homelessness Survey: A Status Report on Hunger and Homelessness in America's Cities, A 25-City Survey</i> (2012), available at http://usmayors.org/pressreleases/uploads/2012/1219-report-HH.pdf .	21	When advocates challenge the criminalization of life-sustaining activities as unconstitutional, the judicial outcome has varied. See, e.g., <i>Pottinger v. City of Miami</i> , 810 F. Supp. 1551, 1558 (S.D. Fla. 1992) (holding Miami ordinance violated Eighth Amendment right to freedom from cruel and unusual punishment); but see <i>Joel v. City of Orlando</i> , 232 F.3d 1353, 1356-57 (11th Cir. 2000) (upholding city ordinance).
10	Martha Burt, et al., <i>Helping America's Homeless: Emergency Shelter or Affordable Housing?</i> , (2001) at 49.	22	To date, the U.S. Supreme Court has applied heightened scrutiny when governments discriminate based on religion, race, gender, illegitimacy, alienage, and national origin. See <i>Locke v. Davey</i> , 540 U.S. 712, 720 n.3 (2004); but see Rankin, <i>supra</i> note 20.
11	Around 60 percent of surveyed cities had to turn away homeless people seeking shelter, including homeless families with minor children, due to a lack of available shelter space. <i>Id.</i>	23	NLCHP has released more than ten reports on laws that successfully criminalize homelessness and that are often upheld through judicial deference to "quality of life" arguments. See, e.g., NLCHP, <i>Criminalizing Crisis: The Criminalization of Homelessness in U.S. Cities</i> , (2011).
12	National Law Center on Homelessness and Poverty, <i>Criminalizing Crisis: The Criminalization of Homelessness in U.S. Cities</i> (2011), available at http://www.nlchp.org/Criminalizing_Crisis .	24	Rankin, <i>supra</i> note 4.
		25	H.B. 131, 13th Leg., 3rd Sess. (P.R. 1998).
		26	<i>Id.</i> at 1, 4.
		27	<i>Id.</i> at 6-10.
		28	Telephone interview with Glorin Ruiz Pastush, former Board Member of La Fondita de Jesus, on February 22, 2013.
		29	Puerto Rico S.B. 1254 and 1539, 15th Leg., 6th Sess., at 14 (P.R. 2007)

30	Act No. 130, 15th Leg., 6th Sess. (P.R. 2007).	53	See U.S. Conference of Mayors 81st Annual Meeting 2012 at 65 (2012), available at http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/USCM%20Resolution.pdf ;
31	<i>Id.</i> at 5.		
32	<i>Id.</i> at 21.		
33	See Rankin, <i>supra</i> note 4.		ABA Annual Meeting 2013 at 117 (2013), available at http://www.americanbar.org/content/dam/aba/administrative/homelessness_poverty/resolution117.authcheckdam.pdf .
34	<i>Id.</i>		
35	<i>Id.</i> (detailing the various strategic and substantive compromises in the Rhode Island bill's amendment process).	54	Telephone interview with Jim Ryczek, <i>supra</i> note 48.
		55	See Rankin, <i>supra</i> note 4.
36	S. 2052, Sub. B, 2012 Gen. Assemb., Reg. Sess. (R.I. 2012).	56	See <i>id.</i>
37	<i>Id.</i>	57	Telephone interview with Jim Ryczek, <i>supra</i> note 46.
38	<i>Id.</i> at §34-37.1-3 (1-7).	58	<i>Id.</i> See also telephone interview with Steve Brown, <i>supra</i> note
		46.	
39	Bill of Rights for the Homeless Act, Pub. L. 098-0516 Ill. Laws (2013).	59	<i>Id.</i>
40	Homeless Person's Bill of Rights, Pub. L. 13-251 Conn. Acts (2013).	60	S. 2052, Sub. B, 2012 Gen. Assemb., Reg. Sess., §34-37.1-3 (4) (R.I. 2012).
41	Assemb. 5, 2013-2014 Gen. Assemb., Reg. Sess. (Cal. 2012) at §53.3 (f).	61	Telephone interview with Elisa Della-Piana, Director of Neighborhood Justice Clinic, East Bay Community Law Center (Feb. 20, 2012).
42	See, e.g., §53.2(a)(1)-(a)(10) (amended).		
43	<i>Id.</i> at §53.2(a)(1-10).	62	See National Law Center on Homelessness & Poverty, <i>Simply Unacceptable: Homelessness & the Human Right to Housing in the U.S.</i> (2011), available at http://www.nlchp.org/Simply_Unacceptable ; see also Human Rights Committee, Concluding Observations of the Committee on fourth report of the United States of America, ¶ 19, U.N. Doc. CCPR/C/USA/CO/4 (2013).
44	<i>Id.</i> at §53.2(a)(12)(A).		
45	<i>Id.</i> at §53.5(a).		
46	See, e.g., telephone interview with Steve Diaz, Los Angeles Community Action Network (Feb. 25, 2013); telephone interview with Paula Lomazzi, Executive Director of Sacramento Homeless Organizing Committee (February 2013); telephone interview with Steve Brown, Executive Director of American Civil Liberties Union Rhode Island (Feb. 19, 2013).	63	S. 2052, Sub. B, 2012 Gen. Assemb., Reg. Sess., §34-37.1-4 (R.I. 2012).
		64	See Rankin, <i>supra</i> note 4 (detailing the limitations of judicial enforcement in the context of homeless bills of rights).
47	S. 2052 Sub. A at §34-37.1-3 (2).	65	Telephone interview with Jim Ryczek, <i>supra</i> note 48.
48	Telephone interview with Jim Ryczek, Executive Director, Rhode Island Coalition for the Homeless (Feb. 27, 2013). See also telephone interview with Steve Brown, <i>supra</i> note 46.	66	Telephone interview with Steve Diaz, <i>supra</i> note 46.
		67	<i>Id.</i>
49	See Eleanor Goldberg, <i>Police Oppose Criminalizing Homelessness In Columbia, South Carolina: 'I Can't Do That. I Won't Do That'</i> , HUFFINGTON POST (Aug. 27, 2013), http://www.huffingtonpost.com/2013/08/27/criminalizing-homelessness-columbia-south-carolina_n_3825052.html .	68	See Rankin, <i>supra</i> note 4.
		69	Telephone interview with Steve Brown, <i>supra</i> note 46.
		70	See Rankin, <i>supra</i> note 4.
50	See WRAP: Western Regional Advocacy Project, <i>Homeless Bill of Rights Campaign</i> (2014), available at http://wraphome.org/work/civil-rights-campaign#bill-of-rights .		
51	International Association of Official Human Rights Agencies Res. 1 (2013), available at http://nlchp.org/documents/IAOHRA_Resolutions_2013 .		
52	The Eugene Human Rights Commission recently endorsed the Oregon and California Homeless Bill of Rights efforts. Email from Ken Neubeck to Eric Tars (Nov. 22, 2013).		

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