

HOUSE No. 1129

The Commonwealth of Massachusetts

PRESENTED BY:

William Smitty Pignatelli

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing a homeless bill of rights.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|----------------------------------|--------------------------------|
| <i>William Smitty Pignatelli</i> | <i>4th Berkshire</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |
| <i>Diana DiZoglio</i> | <i>14th Essex</i> |
| <i>Byron Rushing</i> | <i>9th Suffolk</i> |
| <i>Gailanne M. Cariddi</i> | <i>1st Berkshire</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> |
| <i>Frank A. Moran</i> | <i>17th Essex</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |

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| <i>Brian R. Mannal</i> | <i>2nd Barnstable</i> |
| <i>Tom Sannicandro</i> | <i>7th Middlesex</i> |
| <i>Timothy J. Toomey, Jr.</i> | <i>26th Middlesex</i> |
| <i>Daniel M. Donahue</i> | <i>16th Worcester</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Linda Dorcena Forry</i> | <i>First Suffolk</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> |
| <i>Barbara A. L'Italien</i> | <i>Second Essex and Middlesex</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> |
| <i>Theodore C. Speliotis</i> | <i>13th Essex</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |
| <i>Michael S. Day</i> | <i>31st Middlesex</i> |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> |
| <i>Paul Brodeur</i> | <i>32nd Middlesex</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> |
| <i>Mark C. Montigny</i> | <i>Second Bristol and Plymouth</i> |
| <i>Benjamin Swan</i> | <i>11th Hampden</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> |

HOUSE No. 1129

By Mr. Pignatelli of Lenox, a petition (accompanied by bill, House, No. 1129) of William Smitty Pignatelli and others for legislation to establish a homeless persons bill of rights. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3595 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act providing a homeless bill of rights.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 23B of the General Laws is hereby amended by adding the following section:-

2 Section 31. (a) The general court finds and declares that:

3 At the present time, many persons have been rendered homeless as a result of economic
4 hardship, a severe shortage of safe, affordable housing and a shrinking social safety net.

5 (b) For purposes of this section, “experiencing homelessness” shall mean the status of
6 having or not having a fixed or regular residence, including the status of living on the streets or
7 in a homeless shelter or similar temporary residence.

8 (c) No person's rights, privileges, or access to public services may be denied or abridged
9 solely because he or she is experiencing homelessness. Such a person shall be granted the same

10 rights and privileges as any other resident of the commonwealth. A person experiencing
11 homelessness shall have:

12 (1) The right to use and move freely in public spaces, including, but not limited to, public
13 sidewalks, public parks, public transportation and public buildings, in the same manner as any
14 other person, and without discrimination on the basis of his or her experiencing homelessness;

15 (2) The right to equal treatment by all state and municipal agencies, without
16 discrimination on the basis of his or her experiencing homelessness;

17 (3) The right not to face discrimination while seeking or maintaining employment due to
18 his or her lack of permanent mailing address, or his or her mailing address being that of a shelter
19 or social service provider;

20 (4) The right to emergency medical care free from discrimination based on his or her
21 experiencing homelessness;

22 (5) The right to vote, register to vote and receive documentation necessary to prove
23 identity for voting without discrimination due to his or her experiencing homelessness;

24 (6) The right to protection from disclosure of his or her records and information provided
25 to homeless shelters and service providers to state, municipal and private entities without
26 appropriate legal authority; and the right to confidentiality of personal records and information in
27 accordance with all limitations on disclosure established by the United States Department of
28 Housing and Urban Development, the Federal Health Insurance Portability and Accountability
29 Act, and the Federal Violence Against Women Act; and

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

32 (d) The rights contained in subsection (c) shall serve the same purpose as a statement of
33 legislative intent that will help guide the department and other state and municipal agencies to
34 promote the rights of those experiencing homelessness. These principles shall not be interpreted
35 to create a private right of action, to form the predicate for a right of action under any other state
36 or federal law or to create liability that would not exist absent the foregoing principles.