

HOUSE No. 695

The Commonwealth of Massachusetts

PRESENTED BY:

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: | DATE ADDED: |
|-------------------------------|------------------------|------------------|
| <i>Smitty Pignatelli</i> | <i>4th Berkshire</i> | <i>1/18/2017</i> |
| <i>Gailanne M. Cariddi</i> | <i>1st Berkshire</i> | <i>1/19/2017</i> |
| <i>Daniel M. Donahue</i> | <i>16th Worcester</i> | <i>1/24/2017</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> | |
| <i>Thomas J. Calter</i> | <i>12th Plymouth</i> | |
| <i>James J. O'Day</i> | <i>14th Worcester</i> | <i>1/26/2017</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | |
| <i>Frank I. Smizik</i> | <i>15th Norfolk</i> | |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | |
| <i>Adrian Madaro</i> | <i>1st Suffolk</i> | |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | |
| <i>Sonia Chang-Diaz</i> | <i>Second Suffolk</i> | |
| <i>Byron Rushing</i> | <i>9th Suffolk</i> | |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> | |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> | |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> | |

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| <i>Mark C. Montigny</i> | <i>Second Bristol and Plymouth</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Cory Atkins</i> | <i>14th Middlesex</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> |
| <i>Solomon Goldstein-Rose</i> | <i>3rd Hampshire</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> |
| <i>Aaron Vega</i> | <i>5th Hampden</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> |
| <i>Gerard Cassidy</i> | <i>9th Plymouth</i> |
| <i>Paul Tucker</i> | <i>7th Essex</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> |
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> |
| <i>Michael S. Day</i> | <i>31st Middlesex</i> |
| <i>James M. Cantwell</i> | <i>4th Plymouth</i> |
| <i>Michael J. Finn</i> | <i>6th Hampden</i> |
| <i>Carmine L. Gentile</i> | <i>13th Middlesex</i> |
| <i>Eileen M. Donoghue</i> | <i>First Middlesex</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Mathew Muratore</i> | <i>1st Plymouth</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Tackey Chan</i> | <i>2nd Norfolk</i> |
| <i>Alice Hanlon Peisch</i> | <i>14th Norfolk</i> |
| <i>Stephan Hay</i> | <i>3rd Worcester</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |

HOUSE No. 695

By Mr. Pignatelli of Lenox, a petition (accompanied by bill, House, No. 695) 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. 1129 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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, as appearing in the 2014 Official Edition, is hereby
2 amended by adding the following section:-

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

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

6 The rights outlined in subsection (c) below shall serve the same purpose as a statement of
7 legislative intent that will help guide the department of housing and community development,
8 other state and municipal agencies, and agencies contracting with the state so as to promote the
9 rights of people experiencing homelessness. These principles shall not be interpreted to create a

10 private right of action, to form the predicate for a right of action under any other state or federal
11 law, or to create liability that would not exist absent these principles.

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

15 (c) No person's rights, privileges, or access to public services may be denied or abridged
16 solely because he or she is experiencing homelessness. Such a person shall be granted the same
17 rights and privileges as any other resident of the commonwealth. A person experiencing
18 homelessness shall have:

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

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

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

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

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

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

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