

SENATE No. 816

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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 bill of rights for people experiencing homelessness.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|---------------------------------|---------------------------------------|------------------|
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> | |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> | <i>2/1/2019</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>1/31/2019</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> | <i>1/25/2019</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>1/31/2019</i> |
| <i>Smitty Pignatelli</i> | <i>4th Berkshire</i> | |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>1/21/2019</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>1/30/2019</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> | <i>1/31/2019</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> | <i>2/1/2019</i> |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> | <i>2/18/2019</i> |

SENATE No. 816

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 816) of Rebecca L. Rausch, Harriette L. Chandler, Patricia D. Jehlen, Jason M. Lewis and other members of the General Court for legislation to provide a bill of rights for people experiencing homelessness. Housing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act providing a bill of rights for people experiencing homelessness.

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

1 SECTION 1: Chapter 23B of the General Laws, as appearing in the 2016 Official
2 Edition, is hereby amended by adding the following section:-

3 Section 31. The general court finds and declares that: No person's rights, privileges, or
4 access to public services may be denied or abridged solely because they are experiencing
5 homelessness. Such a person shall be granted the same rights and privileges as any other resident
6 of the commonwealth. A person experiencing homelessness shall have the right to:

7 (1) Use and move freely in public spaces including, but not limited to, public sidewalks,
8 public parks, public transportation and public buildings, in the same manner as any other person,
9 and without discrimination on the basis of experiencing homelessness;

10 (2) Equal treatment by all state and municipal agencies, without discrimination on the
11 basis of experiencing homelessness;

12 (3) Be free from discrimination while seeking or maintaining employment due to the lack
13 of a permanent mailing address, or a mailing address being that of a shelter or social service
14 provider;

15 (4) Emergency medical care free from discrimination based on experiencing
16 homelessness;

17 (5) Vote, register to vote, and receive documentation necessary to prove identity for
18 voting without discrimination due to experiencing homelessness;

19 (6) Protection from disclosure of records and information provided to homeless shelters
20 and service providers to state, municipal, and private entities, without appropriate legal authority;
21 and the right to confidentiality of personal records and information in accordance with all
22 applicable limitations on disclosure, established by the United States Department of Housing and
23 Urban Development, and the Federal Health Insurance Portability and Accountability Act; and

24 (7) A reasonable expectation of privacy of personal property.

25 For purposes of this section, “experiencing homelessness” shall mean the status of not
26 having a fixed, regular, or adequate nighttime residence, including the status of living on the
27 streets, in a homeless shelter, in a similar temporary residence, or in situations as described in the
28 federal Stewart B. McKinney Homeless Assistance Act of 1987, § 103(a), 42 U.S.C. § 11302(a).

29 The rights in this section shall serve as a statement of legislative intent that will guide the
30 department of housing and community development, state and municipal agencies, and agencies
31 contracting with the state to promote the rights of people experiencing homelessness. These
32 principles shall not be construed to create a private right of action, or form the predicate for a

- 33 right of action under any other state or federal law, or to create liability that would not exist
- 34 absent these principles.