

SENATE No. 784

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

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 creating a bill of rights for people experiencing homelessness.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Nick Collins</i>	<i>First Suffolk</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/24/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/31/2019</i>

SENATE No. 784

By Mr. Collins, a petition (accompanied by bill, Senate, No. 784) of Nick Collins, Jason M. Lewis, Patrick M. O'Connor and Paul R. Feeney for legislation to create 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 creating 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 is hereby amended by adding the
2 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.

(b) For purposes of this section, “experiencing homelessness” shall mean 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.

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

(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 experiencing homelessness;

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

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

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

(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

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.