

**HOUSE . . . . . No. 4783**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Lindsay N. Sabadosa***

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*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 relative to reaffirming the rights of individuals experiencing homelessness.

\_\_\_\_\_

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>11/14/2025</i>

**HOUSE . . . . . No. 4783**

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By Representative Sabadosa of Northampton, a petition (subject to Joint Rule 12) of Lindsay N. Sabadosa relative to the rights of individuals experiencing homelessness. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act relative to reaffirming the rights of individuals 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 37. (a) As used in this section, the following terms shall, unless the context  
4 clearly requires otherwise, have the following meanings:

5           “Adequate alternative indoor space”, a space that: (i) is legally and physically accessible  
6 to an individual; (ii) does not require them to sacrifice any other personal right afforded to them  
7 under federal, state or local law; and (iii) is available indefinitely to the individual without  
8 requiring daily re-application, at no charge, and accommodates any disabilities, as well as pets,  
9 partners (whether legally married or not), family members, other support persons and  
10 possessions the individual wishes to bring with them.

11           “Adequate alternative indoor space” may include a “tiny home” or similar structure;  
12 provided, that it includes locking doors, is climate-controlled appropriate to its local climate

13 conditions, and includes either its own sanitary and cooking facilities or common facilities  
14 sufficient to the population of the tiny home community. Alternative indoor space in a  
15 neighboring jurisdiction is presumptively inaccessible, unless adequate transportation is  
16 available, at no cost to the individual, to ensure the individual can continue to attend to any  
17 personal or professional business in the jurisdiction of origin.

18 “Homeless”, lacking a fixed, regular and adequate nighttime residence. The term  
19 “homeless” shall include: (i) sharing the housing of other persons due to loss of housing,  
20 economic hardship or a similar reason; (ii) living in motels, hotels, trailer parks or camping  
21 grounds due to the lack of alternative adequate indoor space; (iii) living in emergency or  
22 transitional shelters; (iv) abandonment in hospitals; (v) awaiting foster care placement; (vi)  
23 inhabiting a private place not designed for or ordinarily used as a regular sleeping  
24 accommodation for human beings, within the meaning of section 42 USC § 11302(a)(2)(C); and  
25 (vii) living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train  
26 stations or similar settings.

27 “Life sustaining activities”, includes, but is not limited to, moving, resting, sitting,  
28 standing, lying down, sleeping, protecting oneself from the elements, eating, drinking and storing  
29 such personal property as needed to safely shelter oneself.

30 “Motor vehicle”, as defined in section 1 of chapter 90.

31 “Public land”, any property that is owned or leased, in whole or in part, by any state or  
32 local government entity or any property upon which there is an easement for public use and that  
33 is held open to the public, or any federal land where local law enforcement has jurisdiction to  
34 enforce local laws, including, but not limited to plazas, courtyards, parking lots, sidewalks,

35 public transportation facilities and services, public buildings, shopping centers, underpasses and  
36 lands adjacent to roadways, and parks.

37 “Recreational vehicle”, as defined in section 20 of chapter 90B.

38 (b)(1) It shall be an affirmative defense to a criminal or civil charge of violating a statute  
39 or ordinance criminalizing a life-sustaining activity that the individual had no access to an  
40 adequate alternative indoor space in which to undertake the prohibited conduct.

41 (2) Once the defense is raised, the prosecution shall have the burden of proving that  
42 adequate alternative indoor space was available to the defendant at the time of the alleged  
43 offense.

44 (c) All persons experiencing homelessness shall have the right to use public spaces  
45 without discrimination based on housing status including:

46 (i) the right to conduct life sustaining activities on public land, provided that such  
47 activities do not obstruct the normal movement of pedestrian or vehicular traffic in such a  
48 manner that creates a hazard to others, or on private property with the permission of the property  
49 owner, unless sufficient adequate alternative indoor space is available to the individual  
50 experiencing homelessness in a given jurisdiction, and has been offered to the individual,  
51 including transportation for the individual and their belongings;

52 (ii) the right to use and move freely in places of public accommodation without  
53 discrimination based on actual or perceived housing status;

54 (iii) the right to be free from civil or criminal sanctions for soliciting, sharing, accepting  
55 or offering food, water, money or other donations in public places;

56 (iv) the right to privacy in one's personal property stored in public places to the same  
57 degree of privacy as property in a private dwelling, which shall not be subject to unreasonable  
58 search and seizure.

59 (v) the right to pray, meditate, worship or practice religion in public spaces without  
60 discrimination based on housing status;

61 (vi) the right to occupy a motor vehicle or a recreational vehicle that is parked on public  
62 property; provided, that the vehicle is parked on a surface or area suitable for a vehicle, and that  
63 the vehicle is not parked in a position so as to obstruct the normal movement of traffic or create a  
64 hazard to other traffic upon the highway or on private property with the permission of the private  
65 property owner; and

66 (vii) the right to relocate a motor vehicle or recreational vehicle being used for life  
67 sustaining activities before a parking ticket may be issued or the vehicle towed, to retrieve items  
68 from a towed vehicle and to retrieve the vehicle from storage at a free or reduced rate upon  
69 consideration of ability to pay.

70 (d) The attorney general may commence a civil action on behalf of the commonwealth  
71 against any state agency or local government that violates this section, or against any  
72 government official that implements or enforces a limitation or requirement that violates this  
73 section. The court shall hold unlawful and set aside the limitation or requirement if it is in  
74 violation of this section.

75 (e) Any individual adversely affected by an alleged violation of this section may  
76 commence a civil action against any state agency or local government for the violation of this  
77 section, or against any government official that implements or enforces a limitation or

78 requirement that violates this section. The court shall hold unlawful and set aside the limitation  
79 or requirement if it is in violation of this section.

80 (f) (1) In any action under this section, the court may award appropriate equitable relief,  
81 including temporary, preliminary or permanent injunctive relief.

82 (2) In any action under this section, the court shall award reasonable attorney's fees and  
83 costs to any prevailing plaintiff. A plaintiff shall not be liable to a defendant for costs or  
84 attorney's fees in any non-frivolous action under this section.

85 (3) The district court shall have jurisdiction over proceedings under this section and shall  
86 exercise the same without regard to whether the party aggrieved shall have exhausted any  
87 administrative or other remedies that may be provided for by law.

88 SECTION 2. This act shall be known as the "Gloria Johnson Anti-Cruelty to Bay Staters  
89 Experiencing Homelessness Act."