

HOUSE No. 3595

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 passage of the accompanying:

An Act providing a homeless bill of rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>

HOUSE No. 3595

By Mr. Pignatelli of Lenox, a petition (subject to Joint Rule 12) of William Smitty Pignatelli and others for legislation to establish a homeless bill of rights. Housing.

The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen
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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 inserting after section 30 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 (b) For purposes of this section, “experiencing homelessness” shall mean the status of
7 having or not having a fixed or regular residence, including the status of living on the streets or
8 in a homeless shelter or similar temporary residence.

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

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

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

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

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

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

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

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

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