## **HOUSE . . . . . . . No. 4688**

## The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 6, 2020.

The committee on Children, Families and Persons with Disabilities to whom were referred the joint petition (accompanied by bill, House, No. 150) of Liz Miranda, Rebecca L. Rausch and others relative to the rights of persons experiencing homelessness and the petition (accompanied by bill, House, No. 1314) of Smitty Pignatelli and others for legislation to establish a homeless persons bill of rights, reports recommending that the accompanying bill (House, No. 4688) ought to pass.

For the committee,

KAY KHAN.

## 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:

- SECTION 1. Chapter 214 of the General Laws is hereby amended by inserting after section 1(C) the following section:-
- 3 Section 1(D). (a) This section shall be known and may be cited as the Homelessness Bill
- 4 of Rights. A person experiencing homelessness shall have the right to be free from
- 5 discrimination on the basis of housing status.
- 6 (b) As used in this chapter, the following words shall, unless the context clearly requires
  7 otherwise, have the following meanings:
- 8 "Housing status" means a person's current ability to access a fixed, regular nighttime 9 residence as defined in section 16W of chapter 6A of the general laws.
- "Park" shall include a city or town common dedicated to the use of the public, or appropriated to such use without interruption for a period of 20 years as defined in section 1 of chapter 45 of the general laws.

"Persons experiencing homelessness" means persons who lack, or are perceived to lack, a fixed, regular nighttime residence as defined in section 16W of chapter 6A of the general laws. Persons experiencing homelessness includes, but are not limited to, persons who: (1) share the housing of other persons due to loss of housing, economic hardship or a similar reason; (2) live in motels, hotels, trailer parks or campgrounds due to the lack of fixed, regular, and adequate nighttime residence; (3) live in emergency or transitional shelters; (4) are abandoned in hospitals; (5) are awaiting foster care placement; (6) have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; (7) live in cars, parks, public spaces, abandoned buildings, bus or train stations or similar settings; (8) are transient and otherwise experiencing homelessness as described in this subsection; or (9) are in situations as described in section 103(a) of Stewart B. McKinney Homeless Assistance Act of 1987.

"Public space" means any real property that is owned, in whole or in part, by the Commonwealth or any municipality, or upon which there is an easement for public use, and is held open to the public. Public space includes but is not limited to plazas, courtyards, parking lots, sidewalks, public transportation facilities and services, public buildings, and parks. Public space does not include a private business establishment.

"Recreational vehicle" has the meaning given that term in section 20 of chapter 90B of the general laws.

"Rest" means the state of sleeping or not moving or the state of holding certain postures that include but are not limited to sitting, standing, leaning, kneeling, squatting or lying on the ground or other surface.

35 "Town" shall not include city as defined in section 1 of chapter 45 of the general laws. 36 (c) Persons experiencing homelessness shall have the right to: 37 (i) use public spaces in the same manner as any other person without discrimination 38 based on their housing status; 39 (ii) equal treatment by all state and municipal agencies, without discrimination on the 40 basis of housing status; 41 (iii) a reasonable expectation of privacy in personal property in public spaces; 42 (iv) interact with public officials, employees, and officers without harassment on the 43 basis of their housing status; 44 (v) rest in public spaces and seek protection from adverse weather or an imminent public 45 health emergency in a manner that does not obstruct human or vehicle traffic and is without 46 discrimination based on their housing status; 47 (vi) access routine and emergency medical care free from discrimination on the basis of 48 housing status; as well as during the state of emergency declared by the governor on March 10, 49 2020 and for the entirety of the COVID-19 pandemic access testing and health care related to the 50 coronavirus. 51 (vii) eat, share, accept, or give food in any public space in which having food is not 52 prohibited; 53 (viii) vote, register to vote, and receive documentation necessary to prove identity for 54 voting without discrimination on the basis of housing status;

55 (ix) pray, meditate, worship, or practice religion in public spaces without discrimination 56 based on housing status in a manner that does not obstruct human or vehicle traffic;

- (x) protection from the disclosure of records provided to homeless shelters and service providers to state, municipal, and private entities, absent valid written authorization to do so; and
- (xi) occupy a motor vehicle or a recreational vehicle, provided that the vehicle is legally parked on public property or on private property with the express permission of the private property owner.
  - (d) The provisions of this section pertaining to public spaces shall not apply if the public space is closed to the general public or requires a fee for entry. When practicable, public officials, employees, or officers shall clearly designate and provide an appropriate alternative place for persons experiencing homelessness to rest without time limitations in the near vicinity.
  - (e) It shall be an affirmative defense to a civil claim or criminal charge related to use of public spaces that a person experiencing homelessness was exercising any right set forth in this section.
  - (f) The superior court shall have jurisdiction in equity to enforce any right set forth in this section and award damages in connection with any violation thereof.
  - SECTION 2. Section 1 of chapter 50 is hereby amended by inserting after the last sentence the following sentence:-
- Lack of a fixed, permanent residence for a person experiencing homelessness shall not
   prohibit voter registration.

- SECTION 3. Section 1 of chapter 151B of the general laws is hereby amended by adding the following subsection:-
- 77 24. The term "housing status" shall be defined as a person's current ability to access a 78 fixed, regular, or adequate nighttime residence.
  - SECTION 4. Section 3 of chapter 151B of the General Laws is hereby amended by inserting after the word "information" in line 20 the following words:- ", housing status"

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- SECTION 5. Section 3 of chapter 151B of the General Laws is hereby amended by inserting after the word "persons", in line 56, the following words:- "; persons who have experienced homelessness".
  - SECTION 6. Section 3 of chapter 151B of the General Laws is hereby amended by inserting after the word "information", in line 66, the following words:- ", housing status".
- 86 SECTION 7. Section 3 of chapter 151B of the General Laws is hereby amended by 87 inserting after the word "origin", in line 87, the following words:- ", housing status".
  - SECTION 8. Section 4 of said chapter 151B is hereby amended by inserting after the word "information", in lines 5, 74, 89, 93, 102, 113, 147, 174, 192, 242, 250, 260, 360, 371, 376, and in each instance, the following words:- ", housing status".
- 91 SECTION 9. Section 4 of said chapter 151B is hereby amended by inserting after the 92 word "age" in line 181 the following words:- "housing status".
  - SECTION 10. Section 4 of said chapter 151B is hereby amended by inserting after the word "information", in lines 192, 242, 250, 260, 360, 371, 376, and 383, and in each instance, the following words:- ", housing status".

97 word "origin", in lines 513 and 523, and in each instance, the following words:- ", housing 98 status". 99 SECTION 12. Section 4 of said chapter 151B is hereby amended by inserting after the 100 word "origin", in lines 702 and 712, and in each instance, the following words:- ", housing 101 status". 102 SECTION 13. Section 4 of said chapter 151B is hereby amended by adding the following 103 subsection: 104 20. It shall be unlawful discrimination for any employer, employment agency, labor 105 organization, or licensing agency to refuse to hire or employ, represent, grant membership to, or 106 license a person on the basis of that person's housing status or having a mailing address being 107 that of a shelter or social service provider, or to terminate or refuse to renew a person's 108 employment, representation, membership, or license on the basis of that person's housing status. 109 SECTION 14. Sections 63 through 69, inclusive, of chapter 272 of the general laws are 110 hereby repealed. 111 SECTION 15. Section 92A of chapter 272 of the general laws is hereby amended by 112 inserting after the word "nationality", in line 9, the following words:- ", housing status". 113 SECTION 16. Section 98 of said chapter 272, as so appearing, is hereby amended by 114 inserting after the word "origin", in line 3, the following words:- ", housing status".

SECTION 11. Section 4 of said chapter 151B is hereby amended by inserting after the

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SECTION 17. Section 122 of chapter 5 of the Acts of 1995 is hereby repealed.