

HOUSE No. 1314

The Commonwealth of Massachusetts

PRESENTED BY:

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 adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>

<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>

HOUSE No. 1314

By Mr. Pignatelli of Lee, a petition (accompanied by bill, House, No. 1314) of Smitty Pignatelli and others for legislation to establish a homeless persons bill of rights. 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) Access 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, the Federal Health Insurance Portability and Accountability Act, and the
24 Federal Violence Against Women Act; and

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

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

30 The rights in this section shall serve as a statement of legislative intent that will guide the
31 department of housing and community development, state and municipal agencies, and agencies
32 contracting with the state to promote the rights of people experiencing homelessness. These

33 principles shall not be construed to create a private right of action, or form the predicate for a
34 right of action under any other state or federal law, or to create liability that would not exist
35 absent these principles.