

SENATE No. 76

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

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 the safety, dignity, and civil rights of persons experiencing homelessness.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/30/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/1/2019</i>

SENATE No. 76

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 76) of Rebecca L. Rausch, Thomas M. Stanley and Mike Connolly for legislation relative to the safety, dignity, and civil rights of persons experiencing homelessness. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the safety, dignity, and civil rights of persons 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 45 of the General Laws is hereby amended by striking out section 1
2 and inserting in place thereof the following section:-

3 Section 1. As used in this chapter, the following words shall, unless the context clearly
4 requires otherwise, have the following meanings:

5 (a) "Housing status" means a person's current ability to access a fixed, regular, or
6 adequate nighttime residence.

7 (b) "Park" shall include a city or town common dedicated to the use of the public, or
8 appropriated to such use without interruption for a period of 20 years.

9 (c) "Persons experiencing homelessness" means persons who lack, or are perceived
10 to lack, a fixed, regular, and adequate nighttime residence. Persons experiencing homelessness
11 includes but is not limited to persons who:

12 (1) share the housing of other persons due to loss of housing, economic hardship or a
13 similar reason;

14 (2) live in motels, hotels, trailer parks or campgrounds due to the lack of fixed,
15 regular, and adequate nighttime residence;

16 (3) live in emergency or transitional shelters;

17 (4) are abandoned in hospitals;

18 (5) are awaiting foster care placement;

19 (6) have a primary nighttime residence that is a public or private place not designed
20 for or ordinarily used as a regular sleeping accommodation for human beings;

21 (7) live in cars, parks, public spaces, abandoned buildings, bus or train stations or
22 similar settings; or

23 (8) are transient and otherwise experiencing homelessness as described in this
24 subsection.

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

30 (e) “Recreational vehicle” has the meaning given that term in section 20 of chapter
31 90B of the general laws.

32 (f) “Rest” means the state of sleeping or not moving or the state of holding certain
33 postures that include but are not limited to sitting, standing, leaning, kneeling, squatting or lying
34 on the ground or other surface.

35 (g) “Town” shall not include city.

36 SECTION 2. Chapter 45 is hereby further amended by inserting after Section 25 the
37 following section:

38 Section 26. Rights of Homeless Persons

39 (a) Persons experiencing homelessness shall have the right to:

40 (1) use public spaces in the same manner as any other person without discrimination
41 based on their housing status;

42 (2) a reasonable expectation of privacy in any personal property belonging to the
43 person, regardless of whether the personal property is located in a public space;

44 (3) interact with public officials, employees, and officers without harassment on the
45 basis of their housing status;

46 (4) rest in public spaces and seek protection from adverse weather in a manner that
47 does not obstruct human or vehicle traffic;

48 (5) eat, share, accept, or give food in any public space in which having food is not
49 prohibited;

50 (6) pray, meditate, worship, or practice religion in public spaces without
51 discrimination based on housing status; and

52 (7) occupy a motor vehicle or a recreational vehicle, provided that the vehicle is
53 legally parked on public property or on private property with the express permission of the
54 private property owner.

55 (b) The provisions of subsection (a) of this section pertaining to public spaces shall
56 not apply if the public space is closed to the general public or requires a fee for entry. When
57 practicable, public officials, employees, or officers shall clearly designate and provide an
58 appropriate alternative place for persons experiencing homelessness to rest without time
59 limitations in the near vicinity.

60 (c) It shall be an affirmative defense to a civil claim or criminal charge related to use
61 of public spaces that a person experiencing homelessness was exercising any right set forth in
62 this section.

63 SECTION 3. Section 1 of chapter 50 is hereby amended by inserting after the last
64 sentence the following sentence:-

65 Lack of a fixed, permanent residence for a person experiencing homelessness shall not
66 prohibit voter registration.

67 SECTION 4. Section 1 of chapter 151B of the General Laws is hereby amended by
68 adding the following subsection:-

69 24. The term “housing status” shall be defined as a person’s current ability to access a
70 fixed, regular, or adequate nighttime residence.

71 SECTION 5. Section 3 of chapter 151B of the General Laws is hereby amended by
72 inserting after the word “information” in line 20 the following words:- “, housing status”

73 SECTION 6. Section 3 of chapter 151B of the General Laws is hereby amended by
74 inserting after the word “persons”, in line 56, the following words:- “; persons who have
75 experienced homelessness”.

76 SECTION 7. Section 3 of chapter 151B of the General Laws is hereby amended by
77 inserting after the word “information”, in line 66, the following words:- “, housing status”.

78 SECTION 8. Section 3 of chapter 151B of the General Laws is hereby amended by
79 inserting after the word “origin”, in line 87, the following words:- “, housing status”.

80 SECTION 9. Section 4 of said chapter 151B is hereby amended by inserting after the
81 word “information”, in lines 5, 74, 89, 93, 102, 113, 147, 174, 192, 242, 250, 260, 360, 371, 376,
82 and in each instance, the following words:- “, housing status”.

83 SECTION 10. Section 4 of said chapter 151B is hereby amended by inserting after the
84 word “age” in line 181 the following words:- “housing status”.

85 SECTION 11. Section 4 of said chapter 151B is hereby amended by inserting after the
86 word “information”, in lines 192, 242, 250, 260, 360, 371, 376, and 383, and in each instance,
87 the following words:- “, housing status”.

88 SECTION 12. Section 4 of said chapter 151B is hereby amended by inserting after the
89 word “origin”, in lines 513 and 523, and in each instance, the following words:- “, housing
90 status”.

91 SECTION 13. Section 4 of said chapter 151B is hereby amended by inserting after the
92 word “origin”, in lines 702 and 712, and in each instance, the following words:- “, housing
93 status”.

94 SECTION 14. Section 4 of said chapter 151B is hereby amended by adding the following
95 subsection:

96 20. It shall be unlawful discrimination for any employer, employment agency, labor
97 organization, or licensing agency to refuse to hire or employ, represent, grant membership to, or
98 license a person on the basis of that person's housing status or having a mailing address being
99 that of a shelter or social service provider, or to terminate or refuse to renew a person's
100 employment, representation, membership, or license on the basis of that person's housing status.

101 SECTION 15. Sections 63 through 69 of Chapter 272 of the General Laws are hereby
102 repealed.

103 SECTION 16. Section 92A of chapter 272 of the General Laws is hereby amended by
104 inserting after the word "nationality", in line 9, the following words:- " , housing status".

105 SECTION 17. Section 98 of said chapter 272, as so appearing, is hereby amended by
106 inserting after the word "origin", in line 3, the following words:- " , housing status".