

# A Homeless Bill of Rights



December 1, 2012

## California Homeless Bill of Rights Fact Sheet

Laws that segregate, that make criminals of people based on their status rather than their behavior, or that prohibit certain people's right to be in public spaces are not just sad relics from the past: Today, numerous laws infringe on poor people's ability to exist in public space, to acquire housing, employment, and basic services, and to equal protection under the law. The California Homeless Bill of Rights is a response that can help alleviate poverty and homelessness while protecting homeless people from discrimination and ensuring their right to privacy and to their personal property.

Assemblymember Tom Ammiano (D, San Francisco) is the author of the "California Homeless Person's Bill of Rights and Fairness Act". The bill is co-sponsored by, Western Regional Advocacy Project, Western Center on Law and Poverty and JERICHO: A Voice for Justice.

*The following rights of homeless people are enumerated in the bill:*

### Freedom from **discrimination based on homeless status:**

- In interactions with law enforcement, security guards, business owners, property managers, or BID agents.
- When seeking or maintaining employment.
- When seeking or maintaining housing or shelter.
- When seeking services (public benefits, medical care, help from police).
- In completing all necessary steps to vote.

### **Property rights:**

- Freedom from unreasonable searches and/or seizures of personal property.

### Access to **public space:**

- Freedom to use public spaces: to move freely through them, to use them for rest, to own and possess private property in public spaces, to share, accept, and/or give food in public spaces.

### Right to **safety:**

- The right to the same protections that law enforcement agencies are supposed to afford to all other citizens, including the right to reasonable protection from domestic violence, sexual assault, hate crimes, and robberies.
- The right to make their own decisions regarding whether or not to enter into public or private shelters or social service programs.

### Right to **engage in life sustaining activities:**

- The right to sufficient health and hygiene centers available 24 hours including bathrooms and showers.
- The right to sleep, stand, sit, possess personal property, eat, or to engage in other life-sustaining activities.
- The right to occupy vehicles while legally parked on public property.

### Rights to **privacy/confidentiality** of housing status, poverty status, health status.

- The right to confidentiality of personal records regarding housing status, income level, mental illness, physical disability.

### Right to **counsel:**

- The right to quality defense counsel in criminal hearings and civil warrants, when possible punishment might include jail time or commitment to a public health institution.

**Rights of homeless schoolchildren:**

- Counties and municipalities must adhere to the Federal law so homeless children can remain in the same school that they had attended before becoming homeless or immediate enrollment in a new school.

**Other rights:**

- The right to restitution if the victim of a crime.
- The right to restitution for loss of, damage to, or destroyed property and/or personal belongings.
- The right to purchase goods and services.

**Enforcement:**

- Monitor enforcement of local ordinances affecting homeless people by ensuring that information regarding the citation of homeless people by law enforcement be available to homeless people and their advocates.

*The following rights are aspirational in the bill:*

**Right to shelter:**

- Right to shelter 24/7 for all people.
- All shelter shall be sanitary and safe.

**Right to basic services, income, and to perform life-sustaining activities:**

- The right to safe, decent, permanent affordable housing.
- The right to income.
- The right to access medical facilities and quality healthcare.

**Rights of homeless schoolchildren:**

- The right to be provided the supplies necessary for academic success (backpacks, textbooks, notebooks, pencils, pens, and appropriate academic technology).

*Homelessness as it relates to this bill will be defined as:*

**Definition of Homelessness:**

This bill creates a state standard that defines as “homeless” those who lack a fixed, regular, and adequate nighttime residence and who have a primary nighttime residence in a shelter, on the street, in a vehicle, in an enclosure or structure that is not authorized or fit for human habitation, sub-standard apartments, dwellings, doubled up temporarily, or who are staying in transitional housing programs. This includes anyone staying in residential hotels without tenancy rights, and families with children staying in residential hotels whether or not they have tenancy rights”.

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