

A Homeless Bill of Rights



March 12, 2013

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 AB 5, 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, JERICHO: A Voice for Justice, and the East Bay Community law Center.

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 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.

The right to sufficient **health and hygiene centers available 24 hours**, including bathrooms and showers.

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

- Life-sustaining activities are defined as: "activities biologically or economically necessary for survival, such as sleeping, resting while sitting, lying down, or standing, and requesting donations, but not acts that cause a health threat or violate the private property rights of another."
- Qualifies that a person cannot be charged for a life-sustaining activity unless:
 - The person's county of residence maintains 12 months of non-medical assistance (General Assistance) per year.
 - Is not an area of high concentrated unemployment or underemployment or over surplus of labor.
 - The public housing waiting list maintained by the county contains fewer than 50 persons.

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- The right to occupy vehicles while legally parked on public property.

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

Right to **counsel**:

- Guarantees right to counsel when defendant is facing arrest for failure to appear or non-payment of fines or bail, or for infractions when DAs choose to prosecute.
- Stipulates that a county shall not use penalties related to failure to appear and nonpayment of fines or bail when prosecuting non-traffic infractions.

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.

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 **basic services, housing, income, and medical care**.

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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