

JAN 17 2018

A BILL FOR AN ACT

RELATING TO THE HOUSELESS BILL OF RIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **HOUSELESS BILL OF RIGHTS**

6 § -1 **Definitions.** As used in this chapter, unless the
7 context otherwise requires:

8 "Houseless" means:

9 (1) Lacking a fixed, regular, and adequate night-time
10 residence; or

11 (2) Having a primary night-time residence that is:

12 (A) A supervised publicly or privately operated
13 shelter designed to provide temporary living
14 accommodations;

15 (B) An institution that provides temporary residence
16 for individuals intended to be institutionalized;
17 or



(C) A public or private place not designed for or ordinarily used as sleeping accommodations for human beings.

"Houseless" does not include being imprisoned or otherwise detained under an act of Congress or a state law.

"Life-sustaining activities" includes but is not limited to eating, sleeping, standing, sitting, and using and moving freely in a public space.

§ -2 **Purpose.** The purpose of this chapter is to ameliorate adverse effects on persons when they lack a home.

§ -3 **Houseless bill of rights; findings.** The legislature finds that no person's rights, privileges, or access to public services may be denied solely because a person is houseless, and a houseless person should be granted the same rights as any other person.

§ -4 **Bill of rights.** (a) The houseless bill of rights includes the following guarantees to houseless persons:

- (1) The right to engage in life-sustaining activities, including the right to use and move freely in public spaces, including but not limited to public sidewalks, public parks, public transportation, and public



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buildings, in the same manner as any other person
without discrimination on the basis of housing status;

(2) The right to equal treatment by all state and county
agencies without discrimination on the basis of
housing status;

(3) The right to access fair housing and equal employment
opportunity without discrimination due to the lack of
a permanent mailing address or the fact that the
person's mailing address is the mailing address of a
shelter or social service provider;

(4) The right to emergency medical care free from
discrimination on the basis of housing status;

(5) The right to vote, register to vote, and receive
documentation necessary to prove identity for voting
without discrimination on the basis of housing status;

(6) The right to protection from disclosure of records and
information, without proper legal authority, and the
right to confidentiality of records and information in
accordance with the Federal Homeless Management
Information System, the Patient Protection and
Affordable Care Act (42 U.S.C. 18001 et seq.), and the



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1 federal Violence Against Women Act (42 U.S.C. 13701 et
2 seq.);

3 (7) The right to a reasonable expectation of privacy in
4 personal property, including but not limited to
5 identification, food, water, medication, and all
6 objects necessary for life-sustaining activities, such
7 as clothing, blankets, pillows, and backpacks, to the
8 same extent as personal property in a permanent
9 residence;

10 (8) The right to access temporary and permanent shelters
11 without discrimination on the basis of any protected
12 class;

13 (9) The equal opportunity to have access to public hygiene
14 facilities and live in decent, safe, sanitary, and
15 healthful accommodations, regardless of housing
16 status, but not including access to environmentally
17 sensitive areas; and

18 (10) Action by the State, a county, or private organization
19 shall not impede an individual's ability to maintain
20 access to services essential to survival, including
21 but not limited to medical services, shelter, food,



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1 and water; provided that as used in this paragraph,
2 "action by the State" shall not include law
3 enforcement activities and efforts to promote health,
4 safety, and welfare.

5 (b) The rights afforded to houseless persons to ensure
6 that their person, privacy, and property are safeguarded and
7 protected as set forth in this chapter are available only
8 insofar as they are implemented in accordance with other state
9 or county laws, state rules and regulations, federal law, and
10 the constitutions of the State and the United States."

11 SECTION 2. This Act shall take effect on July 1, 2018.

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Report Title:

Houseless Bill of Rights

Description:

Defines specific rights granted to a person who is houseless including equal access to housing, jobs, and shelters, equal treatment by government agencies, and access to life-sustaining activities and essential services.

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