
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



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

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

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

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

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

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



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

3 (7) The right to access temporary and permanent shelters
4 without discrimination on the basis of any protected
5 class; and

6 (8) Action by the State and counties, or private
7 organization shall not impede an individual's ability
8 to maintain access to services essential to survival,
9 including but not limited to medical services,
10 shelter, food, and water; provided that as used in
11 this paragraph, "action by the State and counties"
12 shall not include law enforcement activities and
13 efforts to promote health, safety, and welfare.

14 (b) The rights afforded to houseless persons to ensure
15 that their person, privacy, and property are safeguarded and
16 protected as set forth in this chapter are available only
17 insofar as they are implemented in accordance with other state
18 or county laws, state rules and regulations, federal law, and
19 the constitutions of the State and the United States. Nothing
20 in this chapter shall be interpreted to create new legal rights
21 for houseless persons. This chapter is intended to ensure that



1 a houseless person is not discriminated against due to housing
2 status."

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

4



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. (SD1)

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