

# SENATE BILL No. 1033

September 6, 2016, Introduced by Senators JOHNSON, YOUNG and GREGORY and referred to the Committee on Local Government.

A bill to establish a bill of rights for the homeless; and to provide a remedy for violation of those rights.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the "bill  
2 of rights for the homeless act".

3       Sec. 2. It is the long-standing policy of this state that an  
4 individual should not suffer unnecessarily from cold or hunger, be  
5 deprived of shelter or the basic rights incident to shelter, or be  
6 subject to unfair discrimination based on his or her homeless  
7 status. At the present time, many individuals have been rendered  
8 homeless as a result of economic hardship, a severe shortage of  
9 safe and affordable housing, and a shrinking social safety net. In  
10 particular, youth aged 13 to 15 and young adults aged 16 to 23  
11 suffer from deprivation due to their homelessness or because they  
12 are perceived as being homeless. It is the intent of this act to

1   lessen the adverse effects and conditions caused by the lack of a  
2   residence or a home.

3           Sec. 3. (1) An individual's rights, privileges, or access to  
4   public services shall not be denied or abridged solely because he  
5   or she is homeless or perceived as being homeless. An individual  
6   who is homeless shall be granted the same rights and privileges as  
7   any other citizen of this state. An individual experiencing  
8   homelessness has all of the following rights:

9           (a) The right to use and move freely in public spaces,  
10   including, but not limited to, public sidewalks, public parks,  
11   public transportation, and public buildings, in the same manner as  
12   any other individual and without discrimination on the basis of his  
13   or her housing status.

14           (b) The right to equal treatment by all state and municipal  
15   agencies, without discrimination on the basis of housing status.

16           (c) The right to freedom from discrimination in employment due  
17   to lack of a permanent mailing address or having a mailing address  
18   that is a shelter or social service provider.

19           (d) The right to emergency medical care free from  
20   discrimination based on housing status.

21           (e) The right to vote, register to vote, and receive  
22   documentation necessary to prove identity for voting without  
23   discrimination due to housing status.

24           (f) The right to protection from disclosure to state,  
25   municipal, or private entities without appropriate legal authority  
26   of his or her records or information that was provided to a  
27   homeless shelter or service provider; and the right to

1 confidentiality of personal records and information in accordance  
2 with all limitations on disclosure established by requirements  
3 under a federal homeless management information system, the federal  
4 health insurance portability and accountability act of 1996, Public  
5 Law 104-191, or the federal violence against women act of 1994,  
6 Public Law 103-322.

7 (g) The right to a reasonable expectation of privacy in his or  
8 her personal property to the same extent as personal property in a  
9 permanent residence.

10 (h) The right, if a homeless youth, to be enrolled in school  
11 without delay or discrimination because of housing status.

12 (2) As used in this section, "housing status" means the status  
13 of having or not having a fixed or regular residence, including the  
14 status of living on the streets, in a shelter, or in a temporary  
15 residence.

16 Sec. 15. In any civil action alleging a violation of this act,  
17 the court may award appropriate injunctive and declaratory relief,  
18 actual damages, and reasonable attorney fees and costs to a  
19 prevailing plaintiff.

20 Enacting section 1. This act takes effect 90 days after the  
21 date it is enacted into law.