

JAN 28 2015

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) An individual or family who lacks a fixed, regular,
10 and adequate night-time residence; or

11 (2) An individual or family who has a primary night-time
12 residence that is:

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



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1 (B) An institution that provides temporary residence
2 for individuals intended to be institutionalized;
3 or

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

7 This term does not include any individual imprisoned or
8 otherwise detained under an act of Congress or a state law.

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

12 § -2 Purpose. The purpose of this chapter is to
13 ameliorate adverse effects visited upon individuals when those
14 individuals lack a home.

15 § -3 Houseless bill of rights; findings. The
16 legislature finds that no person's rights, privileges, or access
17 to public services may be denied solely because a person is
18 houseless, and a houseless individual shall be granted the same
19 rights as any other person.

20 § -4 Bill of rights. (a) The houseless bill of rights
21 includes the following guarantees to houseless individuals:



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- 1 (1) The right to engage in life-sustaining activities,
2 including the right to use and move freely in public
3 spaces, including but not limited to public sidewalks,
4 public parks, public transportation, and public
5 buildings, in the same manner as any other person
6 without discrimination on the basis of housing status;
- 7 (2) The right to equal treatment by all state and county
8 agencies without discrimination on the basis of
9 housing status;
- 10 (3) The right to access fair housing and equal employment
11 opportunity without discrimination due to the lack of
12 a permanent mailing address or the fact that the
13 individual's mailing address is the mailing address of
14 a shelter or social service provider;
- 15 (4) The right to emergency medical care free from
16 discrimination on the basis of housing status;
- 17 (5) The right to vote, register to vote, and receive
18 documentation necessary to prove identity for voting
19 without discrimination on the basis of housing status;
- 20 (6) The right to protection from disclosure of records and
21 information, without proper legal authority, and the



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1 right to confidentiality of records and information in
2 accordance with the Federal Homeless Management
3 Information System, the Patient Protection and
4 Affordable Care Act, and the Federal Violence Against
5 Women Act;

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

13 (8) The right to access temporary and permanent shelters
14 without discrimination on the basis of any protected
15 class;

16 (9) The right to sleep in a legally parked automobile;
17 provided that the automobile is properly registered,
18 licensed, safety inspected, and insured;

19 (10) The right to manage individual personal finances
20 notwithstanding housing status unless the person:



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- 1 (A) Voluntarily signs a written agreement, sworn to
2 and witnessed before a notary public, authorizing
3 an individual or agency to manage the person's
4 finances;
- 5 (B) Resides in a shelter for homeless persons and has
6 enrolled in a savings program designed to provide
7 rent money upon the person's departure from the
8 shelter; or
- 9 (C) Has been ruled or adjudicated by a court of
10 competent jurisdiction to be incompetent to
11 manage the person's financial affairs;
- 12 (11) The equal opportunity to have twenty-four-hour access
13 to hygiene facilities and live in decent, safe,
14 sanitary, and healthful accommodations anywhere within
15 the State, regardless of housing status; and
- 16 (12) Action by the State, a county, or private organization
17 shall not impede an individual's ability to maintain
18 access to services essential to survival, including
19 but not limited to medical services, shelter, food,
20 and water.



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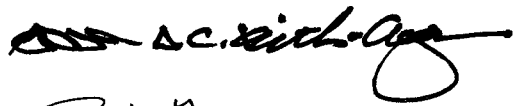
1 (b) A court of competent jurisdiction may award a
2 plaintiff if violation of these rights occurs."

3 SECTION 2. This Act shall take effect upon its approval.

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INTRODUCED BY: 



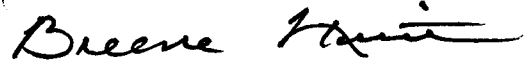
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Report Title:

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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

