

ASSEMBLY, No. 1842

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

SYNOPSIS

“Homeless Bill of Rights.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning discrimination against the homeless and
2 supplementing P.L.1945, c.169 (C.10:5-1 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. This act shall be known and may be cited as the “Homeless
8 Bill of Rights.”
9

10 2. The Legislature finds and declares that:

11 a. Many persons have been rendered homeless as a result of
12 economic hardship, a severe shortage of safe and affordable
13 housing, and a shrinking social safety net.

14 b. Article I, paragraph 1 of the New Jersey Constitution states
15 that “(a)ll persons are by nature free and independent, and have
16 certain natural and unalienable rights, among which are those of
17 enjoying and defending life and liberty, of acquiring, possessing,
18 and protecting property, and of pursuing and obtaining safety and
19 happiness.”

20 c. Concordant with this fundamental belief, no person should
21 suffer unnecessarily or be subject to unfair discrimination based on
22 his or her homeless status. It is the intent of the Legislature to
23 ameliorate the adverse effects visited upon individuals and our
24 communities when the State’s residents lack a home.
25

26 3. As used in P.L. , c. (C.) (pending before the
27 Legislature as this bill), “housing status” means the status of
28 having, or not having, a fixed or regular residence, including the
29 status of living on the streets, or in a homeless shelter, or similar
30 temporary residence.
31

32 4. A person’s rights, privileges, or access to public services
33 shall not be denied or abridged solely because the person is
34 homeless. A homeless person shall be granted the same rights and
35 privileges as any other resident of this State. A person experiencing
36 homelessness has:

37 a. the right to use and move freely in public spaces, including,
38 but not limited to, public sidewalks, public parks, public
39 transportation and public buildings, in the same manner as any other
40 person, and without discrimination on the basis of the person’s
41 housing status;

42 b. the right to equal treatment by all State and municipal
43 agencies, without discrimination on the basis of housing status;

44 c. the right not to face discrimination while seeking or
45 maintaining employment due to the lack of a permanent mailing
46 address, or the person’s mailing address being that of a shelter or
47 social service provider because of the person’s housing status;

d. the right to emergency medical care free from discrimination based on the person's housing status;

e. the right to vote, register to vote, and receive documentation necessary to provide identity for voting without discrimination due to the person's housing status;

f. the right to protection from disclosure of records and information provided to homeless shelters and service providers to State, municipal and private entities, without appropriate legal authority; and the right to confidentiality of personal records and information in accordance with all limitations and disclosure established by the federal Homeless Management Information System, the "Health Insurance Portability and Accountability Act of 1996," Pub.L.104-191, and the "Violence Against Women Act of 1994" Pub.L.103-122;

g. the right to a reasonable expectation of privacy in the person's personal property to the same extent as personal property in a permanent residence; and

h. the right to enter a homeless shelter while in the possession of a service dog as defined in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

5. In any civil action alleging a violation of P.L. , c. (C.) (pending before the Legislature as this bill), a court may award appropriate injunctive and declaratory relief, actual damages, and reasonable attorneys' fees and costs to a prevailing plaintiff.

6. This act shall take effect immediately.

STATEMENT

This bill would establish the "Homeless Bill of Rights." The purpose of this Bill of Rights is to ensure that no person should suffer unnecessarily or be subject to unfair discrimination based on his or her homeless status.

The bill establishes the following rights to be afforded to all persons experiencing homelessness:

- the right to use and move freely in public spaces, including, but not limited to, public sidewalks, public parks, public transportation and public buildings, in the same manner as any other person, and without discrimination on the basis of the person's housing status;
- the right to equal treatment by all State and municipal agencies, without discrimination on the basis of housing status;
- the right not to face discrimination while seeking or maintaining employment due to the lack of permanent mailing address, or their mailing address being that of a

- 1 shelter or social service provider because of the person's
2 housing status;
- 3 • the right to emergency medical care free from discrimination
4 based on the person's housing status;
 - 5 • the right to vote, register to vote, and receive documentation
6 necessary to provide identity for voting without
7 discrimination due to the person's housing status;
 - 8 • the right to protection from disclosure of records and
9 information provided to homeless shelters and service
10 providers to State, municipal and private entities, without
11 appropriate legal authority; and the right to confidentiality of
12 personal records and information in accordance with all
13 limitations and disclosure established by the federal
14 Homeless Management Information System, the "Health
15 Insurance Portability and Accountability Act of 1996,"
16 Pub.L.104-191, and the "Violence Against Women Act of
17 1994," Pub.L.103-122;
 - 18 • the right to a reasonable expectation of privacy in the
19 person's personal property to the same extent as personal
20 property in a permanent residence; and
 - 21 • the right to enter a homeless shelter while in the possession
22 of a service dog as defined in the "Law Against
23 Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).
- 24 The bill provides that a prevailing plaintiff in any civil action
25 alleging a violation of the provisions of this bill may be awarded
26 appropriate injunctive and declaratory relief, actual damages, and
27 reasonable attorneys' fees and costs.