

A Homeless Bill of Rights



April 19, 2013

California Homeless Bill of Rights Fact Sheet

Laws that segregate, that make criminals of people based on their status rather than their behavior, or that prohibit certain people's right to be in public spaces are not just sad relics from the past: Today, numerous laws infringe on poor people's ability to exist in public space, to acquire housing, employment, and basic services, and to equal protection under the law. The California Homeless Bill of Rights is a response that can help alleviate poverty and homelessness while protecting homeless people from discrimination and ensuring their right to privacy and to their personal property.

Assemblymember Tom Ammiano (D, San Francisco) is the author of AB 5, the "California Homeless Person's Bill of Rights and Fairness Act". The bill is co-sponsored by, Western Regional Advocacy Project, Western Center on Law and Poverty, JERICHO: A Voice for Justice, and the East Bay Community Law Center.

The following rights of homeless people are enumerated in the bill:

The right to do the following without being subject to discrimination by law enforcement or business improvement district agents:

- move freely in public spaces
- rest and sleep in public spaces
- be protected by law enforcement
- pray or practice religion in public

The right to do the following:

- turn down offers of services based on one's own judgment
- occupy a vehicle provided it is parked legally
- refuse to waive rights to confidentiality of personal records when seeking a public human service

The bill creates a right to sufficient health and hygiene centers available 24 hours, including bathrooms and showers.

The bill forbids law enforcement from enforcing laws that prohibit resting in public spaces (or in a legally parked car in a public space) *unless* the county where they reside:

- has basic needs cash assistance for adults complying with work requirements for twelve months out of the year
- *and* has an unemployment rate *lower* than the federal average.
- *and* has a public housing waitlist of fewer than 50 people.

The bill gives people the right to counsel—provided by the county—whenever the District Attorney is present in court to prosecute. (*Currently, this does not happen with infraction cases.*)

The bill protects public employees from retaliation by their employer if they offer public resources to a homeless person.

The bill forbids law enforcement from enforcing laws that prohibit public serving of food.

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The bill requires law enforcement agencies to compile every year the number of citations and arrests for laws that prohibit:

- obstructing sidewalks
- loitering
- sitting
- lying
- camping
- “lodging” in public
- sleeping in public
- asking for donations
- bathing in public
- sharing or receiving food
- sleeping or living in a vehicle
- violating park closure laws
- jaywalking
- trespassing
- other local or state laws as requested by the Attorney General or city attorney

The following rights are aspirational in the bill:

- Right to **shelter**.
- Right to **basic services, housing, income, and medical care**.
- The right of **homeless schoolchildren** to be provided the supplies necessary for academic success (backpacks, textbooks, notebooks, pencils, pens, and appropriate academic technology).

Definition of Homelessness:



For the purposes of this bill, "homeless" means lacking a fixed, regular, and adequate nighttime residence, or having a primary nighttime residence in a shelter, on the street, in a vehicle, in an enclosure or structure that is not authorized or fit for human habitation, substandard apartments, dwellings, doubled up temporarily with friends or families, staying in transitional housing programs, staying anywhere without tenancy rights, or staying with one or more children of whom they are the parent or legal guardian in a residential hotel whether or not they have tenancy rights.