

AN ACT

1 Providing for the rights and privileges of homeless persons.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Bill of
6 Rights for the Homeless Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Homeless." The term shall have the same meaning as in 42
12 U.S.C. § 11302 (relating to general definition of homeless
13 individual).

14 "Housing status." The status of having or not having a fixed
15 or regular residence, including the status of living on the
16 streets, in a shelter or in a temporary residence.

17 Section 3. Legislative intent.

1 The following shall apply:

2 (1) It is the long-standing policy of this Commonwealth
3 that no individual should suffer unnecessarily from cold or
4 hunger, be deprived of shelter, or the basic rights incident
5 to shelter, or be subject to unfair discrimination based on
6 the individual's homeless status.

7 (2) At the present time, many individuals have been
8 rendered homeless as a result of economic hardship, a severe
9 shortage of safe and affordable housing and a shrinking
10 social safety net.

11 (3) It is the intent of the General Assembly to lessen
12 the adverse effects and conditions caused by the lack of
13 residence or a home.

14 Section 4. Rights afforded to homeless individuals.

15 No individual's rights, privileges or access to public
16 services may be denied or abridged solely because the individual
17 is homeless. A homeless individual shall be granted the same
18 rights and privileges as other residents of this Commonwealth. A
19 homeless individual has the following rights:

20 (1) The right to use and move freely in public spaces,
21 including, but not limited to, public sidewalks, public
22 parks, public transportation and public buildings, in the
23 same manner as any other individual and without
24 discrimination on the basis of the individual's housing
25 status.

26 (2) The right to equal treatment by all State and local
27 government agencies, without discrimination on the basis of
28 housing status.

29 (3) The right not to face discrimination while
30 maintaining employment due to the individual's lack of

1 permanent mailing address or due to the fact that the mailing
2 address given by the individual is for a shelter or social
3 service provider.

4 (4) The right to emergency medical care free from
5 discrimination based on the individual's housing status.

6 (5) The right to vote, register to vote and receive
7 documentation necessary to prove the identity for voting
8 without discrimination due to the individual's housing
9 status.

10 (6) The right to protection from disclosure of the
11 individual's records and information provided to homeless
12 shelters and social service providers to State, local and
13 private entities without appropriate legal authority.

14 (7) The right to confidentiality of personal records and
15 information in accordance with all limitations on disclosure
16 established by the following:

17 (i) Federal Homeless Management Information Systems.

18 (ii) The Health Insurance Portability and
19 Accountability Act of 1996 (Public Law 104-191, 110 Stat.
20 1936).

21 (iii) The Violence Against Women Act of 1994 (Title
22 IV of Public Law 103-322, 108 Stat. 1902).

23 (8) The right to a reasonable expectation of privacy in
24 the individual's personal property to the same extent as
25 personal property in a permanent residence.

26 Section 5. Damages and attorney fees.

27 In a civil action alleging a violation of this act, the court
28 may award appropriate injunctive and declaratory relief, actual
29 damages and reasonable attorney fees and costs to a prevailing
30 plaintiff.

1 Section 6. Effective date.

2 This act shall take effect in 60 days.