

Bill of Rights for the Homeless

Introduced by: [International Freedom Coalition](#)

Developed by: Sapphire Jule King, MAEd

Section 1: Summary

BILL SUMMARY

Establishes the Bill of Rights for the Homeless Act which designates “housing status” as a prohibited ground of discrimination, abuse, and harassment.

PURPOSE OR GENERAL IDEA OF BILL

This bill would develop a consumer-centered system of human rights-based principles and practices to insure that educational, employment, and service programs are free from either conscious or inadvertent bias, discrimination, abuse, and harassment often levied against homeless individuals and families at shelters, meal sites, public and private agencies, on the street, and in any other places where homeless individuals may be found.

SUMMARY OF SPECIFIC PROVISIONS

Adds a subsection to the Support of Homeless (Chapter 40-17) to include rights of homeless individuals, clients, or residents which also amends the Rhode Island State Fair Employment Practices Act (Chapter 28-5), Harassment at Institutions of Higher Education (Section 16-76.1-1), Hotels and Public Places (Sections 11-24-2 and 11-24-2.4), and the Rhode Island Fair Housing Practices Act (Chapter 34-37) of the penal law to include “housing status” as a defining category in groups legally recognized as protected under anti-discrimination law.

Section 2: Justification

The founder and director of the International Freedom Coalition lived for one month as a resident in an area homeless shelter where she experienced firsthand the maltreatment and degradation of its residents and clients. Staff and security personnel regularly harassed, demeaned, ridiculed, or intimidated residents, including the Coalition’s founder. Additionally, the founder was inaccurately and inappropriately labeled as having long-term mental illness after revealing that she had suicide ideation 14 years ago. Despite objections from the founder, staff refused to remove the designation from the intake forms, leaving the founder to feel forced to either accept the labeling or not receive shelter. However, the founder revealed that she also recovered from alcoholism 9.5 years ago, but staff did not label her as an alcoholic. Throughout her stay at the shelter, staff repeatedly suggested she get a mental health diagnosis so that she could be placed in housing for persons with mental illness. Consequently, this selective and inaccurate categorization of homeless persons skews the often reported and cited statistics while the persistent badgering undermines a client’s self-concept.

Moreover, the conscientious practice of shelters providing residents with an address to receive mail opens the door for inadvertent or deliberate discriminatory practices by potential employers or other private entities. Given the relatively small size of the community and the well-known

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address for the shelters, residents' resumes which feature a shelter address may be prematurely and unfairly dismissed based solely upon inaccurate, biased perceptions of a homeless person.

Lastly, the current legislative focus of homeless advocacy groups include shelter overcrowding, the need for more permanent supportive housing, and creating a permanent funding source for affordable housing but do not address basic human rights protections from abuse, harassment, discrimination, and biased treatment experienced by the homeless often by public and private entities, service providers, and shelter staff. Designating a bill of rights will protect the humanity of the homeless and challenges the misconception that these are people who are less valuable than other members of society.

Section 3: Definitions

(1) "Housing status" means (i) the type of housing in which an individual resides or (ii) the status of having or not having a fixed or regular residence, including the status of living on the streets, in a shelter, or in a temporary residence.

(2) "Homeless" means a person or persons who (i) are undomiciled, with no address or regular residence (ii) or resides in a place not designed for regular sleeping accommodation, a shelter, a residential program for victims of domestic violence or in a hotel/motel on a temporary basis.

(3) "Abuse" means intentionally engaging in a pattern of harassing conduct which causes or is likely to cause emotional or psychological harm to a client or resident, including but not limited to, ridiculing or demeaning a client or resident, making derogatory or abrasive remarks to a client or resident, cursing directed towards a client or resident, or threatening to inflict physical or emotional harm on a client or resident.

(4) "Stalking" means harassing a client or resident or willfully, maliciously and repeatedly following a client or resident with the intent to place that client or resident in reasonable fear of bodily injury.

(5) "Cyberstalking" means transmitting any communication by computer to any client or resident or causing any client or resident to be contacted for the sole purpose of harassing that client or resident or his or her family.

(6) "Harassing" or "Harassment, intimidation or bullying" means following a knowing and willful course of conduct directed at a specific client or resident with the intent to seriously alarm, annoy, or bother the client or resident, and which serves no legitimate purpose. The course of conduct must be such as would cause (i) a reasonable person to suffer substantial emotional distress, be in reasonable fear of harm to his or her person, or be in reasonable fear of damage to his or her property; or (ii) is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive environment for a client or resident.

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(7) “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

Section 4. The Support of Homeless chapter is amended by adding Section 40-17.1 as follows:

§ 40-17.1 Rights of homeless individuals, clients, or residents. – No person’s rights, privileges, or access to public or private services may be denied or abridged solely because he or she is homeless. Such a person shall be granted the same rights and privileges as any other citizen of this State. These rights include but are not limited to the following:

1. The right to receive safe, appropriate, courteous, and high quality care, shelter, and services in a timely manner with consideration, dignity, respect, and equality by all.
2. The right to access emergency medical health services in any health care facility doing business in this State in a timely manner with consideration, dignity, respect, and equality by all.
3. The right to receive public services or accommodations offered to any other citizen of this State in accordance, with established eligibility guidelines for those services.
4. The right to be free from discrimination on the basis of race or color, religion, sex, disability, age, sexual orientation, gender identity or expression, country of ancestral origin, housing status or perceived housing status; threats or coercion; mental, emotional, verbal, or physical abuse; harassment, intimidation or bullying; stalking or cyberstalking; physical punishment; damage to or theft of property; or exploitation of any kind by public and private entities, shelters, service providers and their staff, or other clients or residents.
5. As a condition to receive services or shelter, the right to refuse being categorized or labeled with an addiction, mental illness, disability, or other health-related issues which occurred in the person’s past but is inaccurate or inappropriate for describing his or her present emotional, mental, or physical health; and not to be subjected to discrimination, reprisal, or denial of shelter or services for doing so.
6. The right to accept or refuse care and services and to be informed of the consequences of that action.
7. Any person denied products or services shall be offered the opportunity to be given the reason for such denial in writing within a reasonable period of time.
8. The right to not be coerced or penalized in any way for not taking any medication or for not undergoing any medical treatment that has not been authorized by a qualified physician.
9. The right to access his or her own medications and appropriate medical treatment.

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10. The right to have access to his or her personal and clinical records.

11. The right to have his or her personal and clinical records treated and maintained in a confidential manner and to be advised by the agency of its policies and procedures regarding disclosure of personal and clinical records. Homeless shelters shall obtain a voluntary written release from a homeless person prior to disclosing any personal information regarding the homeless person, including, but not limited to, name, social security number, and birth date, except in aggregate form. The right to confidentiality of records includes the dissemination of materials to other agencies, either private or public, for any experimental research or investigational activities. The homeless person shall be given the option of whether to release records via informed consent, based on guidelines from the Office of Human Research Protections, United States Department of Health and Human Services, including:

(A) the expected duration of the subject's participation;

(B) an explanation of whom to contact for answers to pertinent questions about the research and research subjects' rights, and whom to contact in the event of a research-related injury to the subject;

(C) a statement that participation in releasing records is voluntary, refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and the subject may discontinue participation in the record release at any time without penalty or loss of benefits to which the subject is otherwise entitled;

(D) a description of any reasonably foreseeable risks or discomforts to the subject; and

(E) a statement describing the extent, if any, to which confidentiality of records identifying the subject will be maintained.

12. The right to employment and training opportunities in accordance with his or her interests and abilities.

13. The right to vote, which may not be denied solely based upon the person's housing status, notwithstanding any provision of the Election Code.

14. The right to live in any community in this State in which he or she can afford to live.

15. The right to choose a type of living arrangements in accordance with local regulations without harassment or interference from any other citizen or from any public or private entity.

16. The right of visitation with family members, friends, clergy, and professional or public consultants notwithstanding the person's living arrangements, as long as the visitation does not interfere with the smooth operation of the person's place of residence.

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17. The right to manage his or her own personal finances notwithstanding his or her living arrangements, unless (i) the person voluntarily signs a written agreement, sworn to and witnessed before a notary public, authorizing an individual or agency to manage his or her finances, (ii) the person resides in a shelter for homeless persons and has enrolled in a savings program designed to provide rent money upon the person's departure from the shelter, or (iii) the person has been ruled or adjudicated by a court of competent jurisdiction to be incompetent to manage his or her financial affairs.

18. In the case of a group living arrangement or long-term care facility, the right to receive and sign any check, voucher, or other warrant or legal tender issued in his or her name before the moneys may be expended by the person's landlord or a public or private agency, unless the person waives the right in a writing sworn to before a notary public. If the person is unable to sign his or her name, the person may make his or her signature with an "X" that is witnessed by 2 other persons not employed or directly associated with the landlord or agency, preferably a relative or guardian of the person or someone designated by the person beforehand.

20. A person shall not be required to waive these rights, via a release of information, in exchange for the goods or services of the provider.

21. Clients' or residents' rights shall be conspicuously posted and a copy of these rights shall be given to any client or resident on request.

22. The right to assistance in obtaining legal representation to protect these rights.

23. The right to voice his or her grievances through a documented grievance mechanism established by the facility, involving clients or residents, staff, and relatives or authorized representatives of clients or residents, which will insure clients' or residents' freedom from discrimination, abuse, exploitation, reprisal, coercion, harassment, intimidation, or bullying; to be advised on how to voice grievances; and not to be subjected to discrimination or reprisal for doing so. The grievance procedure shall include provisions for appeal.

24. The right to voice grievances regarding treatment or care that is (or fails to be) furnished, or regarding the lack of respect for the client or resident or the client's or resident's property by anyone who is furnishing services on behalf of a shelter, meal site, or service provider; to be advised on how to voice grievances; and not to be subjected to discrimination or reprisal for doing so. The grievance procedure shall include provisions for appeal.

25. When a person has presented to a shelter, meal site, or service provider an internal complaint alleging a violation of the rights under this chapter, the shelter, meal site, or service provider shall be required to disclose in a timely manner in writing to that client or resident the disposition of the complaint, including a description of any action taken in resolution of the complaint; provided, however, no other personnel information shall be disclosed to the complainant.

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Section 5. The Rhode Island State Fair Employment Practices Act is amended by changing Sections 28-5-2, 28-5-3, 28-5-5, 28-5-7, 28-5-7.2, 28-5-7.3, 28-5-14, 28-5-41.2, 28-5.1-4, 28-5.1-7, 28-5.1-8, 28-5.1-9, and 28-5.1-14 as follows:

§ 28-5-2 Legislative findings. – The practice or policy of discrimination against individuals because of their race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#) is a matter of state concern. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the state, and undermines the foundations of a free democratic state. The denial of equal employment opportunities because of such discrimination and the consequent failure to utilize the productive capacities of individuals to their fullest extent deprive large segments of the population of the state of earnings necessary to maintain decent standards of living, necessitates their resort to public relief, and intensifies group conflicts, thereby resulting in grave injury to the public safety, health, and welfare.

§ 28-5-3 Declaration of policy. – It is declared to be the public policy of this state to foster the employment of all individuals in this state in accordance with their fullest capacities, regardless of their race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#) and to safeguard their right to obtain and hold employment without such discrimination.

§ 28-5-5 Right to equal employment opportunities. – The right of all individuals in this state to equal employment opportunities, regardless of race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#) is recognized as and declared to be a civil right.

§ 28-5-7 Unlawful employment practices. – It shall be an unlawful employment practice:
(1) For any employer:

(i) To refuse to hire any applicant for employment because of his or her race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#);

(iii) In the recruiting of individuals for employment or in hiring them, to utilize any employment agency, placement service, training school or center, labor organization, or any other employee referring source which the employer knows, or has reasonable cause to know, discriminates against individuals because of their race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#);

(v) When an employee has presented to the employer an internal complaint alleging harassment in the workplace on the basis of race or color, religion, sex, disability, age, sexual orientation, gender identity or expression, country of ancestral origin, or [housing status or](#)

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[perceived housing status](#) to refuse to disclose in a timely manner in writing to that employee the disposition of the complaint, including a description of any action taken in resolution of the complaint; provided, however, no other personnel information shall be disclosed to the complainant.

(2) For any employment agency to fail or refuse to properly classify or refer for employment or otherwise discriminate against any individual because of his or her race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#); or

(ii) For any employment agency, placement service, training school or center, labor organization, or any other employee referring source to comply with an employer's request for the referral of job applicants if the request indicates either directly or indirectly that the employer will not afford full and equal employment opportunities to individuals regardless of their race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#);

(3) For any labor organization:

(i) To deny full and equal membership rights to any applicant for membership because of his or her race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#);

(iii) To fail or refuse to classify properly or refer for employment, or otherwise to discriminate against any member because of his or her race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#); or

(4) Except where based on a bona fide occupational qualification certified by the commission or where necessary to comply with any federal mandated affirmative action programs, for any employer or employment agency, labor organization, placement service, training school or center, or any other employee referring source, prior to employment or admission to membership of any individual, to:

(i) Elicit or attempt to elicit any information directly or indirectly pertaining to his or her race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#);

(ii) Make or keep a record of his or her race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#);

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(iii) Use any form of application for employment, or personnel or membership blank containing questions or entries directly or indirectly pertaining to race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#);

(iv) Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination based upon race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#); or

(v) Establish, announce, or follow a policy of denying or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#) of that group;

§ 28-5-7.2 Proof of unlawful employment practices in disparate impact cases. – (a) An unlawful employment practice prohibited by § 28-5-7 may be established by proof of disparate impact. An unlawful employment practice by proof of disparate impact is established when:

(1) A complainant demonstrates that an employment practice results in a disparate impact on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#) and the respondent fails to demonstrate that the practice is required by business necessity; or

(2) A complainant demonstrates that a group of employment practices results in disparate impact on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#) and the respondent fails to demonstrate that the practices are required by business necessity;

§ 28-5-7.3 Discriminatory practice need not be sole motivating factor. – An unlawful employment practice may be established in an action or proceeding under this chapter when the complainant demonstrates that race, color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#) was a motivating factor for any employment practice, even though the practice was also motivated by other factors. Nothing contained in this section shall be construed as requiring direct evidence of unlawful intent or as limiting the methods of proof of unlawful employment practices under § 28-5-7.

§ 28-5-14 Educational program. – In order to eliminate prejudice among the various ethnic groups in this state and to further good will among those groups, the commission and the state department of elementary and secondary education are jointly directed to prepare a comprehensive educational program, designed for the students of the public schools of this state

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and for all other residents of the state, calculated to emphasize the origin of prejudice based on race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or [housing status or perceived housing status](#), its harmful effects, and its incompatibility with American principles of equality and fair play.

§ [28-5-41.2](#) **Right to fair employment practices – [Housing status](#).** – Whenever in this chapter there appears the terms “race or color, religion, sex, disability, age, country of ancestral origin, sexual orientation, or gender identity or expression” there shall be inserted immediately thereafter the words “housing status or perceived housing status.”

§ **28-5.1-4 Employment policies for state employees.** – (a) Each appointing authority shall review the recruitment, appointment, assignment, upgrading, and promotion policies and activities for state employees without regard to race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, disability, or [housing status or perceived housing status](#). All appointing authorities shall hire and promote employees without discrimination.

§ **28-5.1-7 State services and facilities.** – (a) Every state agency shall render service to the citizens of this state without discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, disability, or [housing status or perceived housing status](#). No state facility shall be used in furtherance of any discriminatory practice nor shall any state agency become a party to any agreement, arrangement, or plan which has the effect of sanctioning those patterns or practices.

§ **28-5.1-8 Education, training, and apprenticeship programs.** – (a) All educational programs and activities of state agencies, or in which state agencies participate, shall be open to all qualified persons without regard to race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, disability, or [housing status or perceived housing status](#). The programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all participants.

§ **28-5.1-9 State employment services.** – (a) All state agencies, including educational institutions, which provide employment referral or placement services to public or private employees, shall accept job orders, refer for employment, test, classify, counsel and train only on a nondiscriminatory basis. They shall refuse to fill any job order which has the effect of excluding any persons because of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, disability, or [housing status or perceived housing status](#).

§ **28-5.1-14 State licensing and regulatory agencies.** – State agencies shall not discriminate by considering race, color, religion, sex, sexual orientation, gender, identity or expression, age, national origin, disability, or [housing status or perceived housing status](#) in granting, denying, or revoking a license or charter, nor shall any person, corporation, or business firm which is licensed or chartered by the state unlawfully discriminate against or segregate any person on

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these grounds. All businesses licensed or chartered by the state shall operate on a nondiscriminatory basis, according to equal employment treatment and access to their services to all persons, except unless otherwise exempted by the laws of the state. Any licensee, charter holder, or retail sales permit holder who fails to comply with this policy is subject to any disciplinary action that is consistent with the legal authority and rules and regulations of the appropriate licensing or regulatory agency. State agencies which have the authority to grant, deny, or revoke licenses or charters will cooperate with the state equal opportunity office to prevent any person, corporation, or business firm from discriminating because of race, color, religion, sex, sexual orientation, gender, identity or expression, age, national origin, disability, or [housing status or perceived housing status](#) or from participating in any practice which may have a disparate effect on any protected class within the population. The state equal opportunity office shall monitor the equal employment opportunity activities and affirmative action plans of all such organizations.

Section 6.

The Harassment at Institutions of Higher Education is amended by changing Section 16-76.1-1 as follows: **§ 16-76.1-1 Internal complaints alleging harassment.** – When a student has presented to an institution of higher education an internal complaint alleging harassment on the basis of race or color, religion, sex, disability, age, sexual orientation, gender identity or expression, country of ancestral origin, or [housing status or perceived housing status](#) the institution shall be required to disclose in a timely manner in writing to that student the disposition of the complaint, including a description of any action taken in resolution of the complaint; provided, however, no other personnel information shall be disclosed to the complainant.

Section 7. Hotels and Public Places is amended by changing Section 11-24-2 and 11-24-2.4 as follows:

§ 11-24-2 Discriminatory practices prohibited. – No person, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, resort, or amusement shall directly or indirectly refuse, withhold from, or deny to any person on account of race or color, religion, country of ancestral origin, disability, age, sex, sexual orientation, gender identity or expression, or [housing status or perceived housing status](#) any of the accommodations, advantages, facilities, or privileges of that public place. No person shall directly or indirectly publish, circulate, issue, display, post, or mail any written, printed or painted communication, notice, or advertisement, to the effect that any of the accommodations, advantages, facilities, and privileges of any public accommodation place shall be refused, withheld from, or denied to any person on account of race or color, religion, country of ancestral origin, disability, sex or sexual orientation, gender identity or expression, age, or [housing status or perceived housing status](#) or that the patronage or custom at that place of any person belonging to or purporting to be of any particular race or color, religion, country of ancestral origin, disability, age, sex, sexual orientation, gender identity or expression, or [housing status or](#)

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[perceived housing status](#) is unwelcome, objectionable, or not acceptable, desired, or solicited. The production of any written, printed, or painted communication, notice, or advertisement, purporting to relate to any public place and to be made by any person being its owner, lessee, proprietor, superintendent, or manager, shall be presumptive evidence in any action that its production was authorized by that person.

§ [11-24-2.4](#) **Discrimination based on [housing status](#).** – Whenever in this chapter the terms “race or color, religion, country of ancestral origin, handicap, age, sex, or sexual orientation, gender identity or expression” shall appear, there shall be inserted immediately thereafter the words “housing status or perceived housing status”.

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