

2024 -- H 7967

LC005133

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO PROPERTY -- HOMELESS BILL OF RIGHTS

Introduced By: Representatives Stewart, Morales, Henries, Tanzi, Felix, Cruz, Potter,  
Giraldo, Sanchez, and Batista

Date Introduced: March 05, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-37.1-3 of the General Laws in Chapter 34-37.1 entitled "Homeless  
2 Bill of Rights" is hereby amended to read as follows:

3 **34-37.1-3. Bill of Rights.**

4 No person's rights, privileges, or access to public services may be denied or abridged solely  
5 because he or she is homeless. Such a person shall be granted the same rights and privileges as any  
6 other resident of this state. A person experiencing homelessness:

7 (1) Has the right to use and move freely in public spaces, including, but not limited to,  
8 public sidewalks, public parks, public transportation and public buildings, in the same manner as  
9 any other person, and without discrimination on the basis of his or her housing status;

10 (2) Has the right to equal treatment by all state and municipal agencies, without  
11 discrimination on the basis of housing status;

12 (3) Has the right not to face discrimination while seeking or maintaining employment due  
13 to his or her lack of permanent mailing address, or his or her mailing address being that of a shelter  
14 or social service provider;

15 (4) Has the right to emergency medical care free from discrimination based on his or her  
16 housing status;

17 (5) Has the right to access trash receptacles and toilet facilities (portable or permanent) in  
18 order that they can live in clean and sanitary conditions;

19 ~~(5)~~(6) Has the right to vote, register to vote, and receive documentation necessary to prove

1 identity for voting without discrimination due to his or her housing status;

2 ~~(6)~~(7) Has the right to protection from disclosure of his or her records and information  
3 provided to homeless shelters and service providers to state, municipal and private entities without  
4 appropriate legal authority; and the right to confidentiality of personal records and information in  
5 accordance with all limitations on disclosure established by the Federal Homeless Management  
6 Information Systems, the Federal Health Insurance Portability and Accountability Act, and the  
7 Federal Violence Against Women Act; and

8 ~~(7)~~(8) Has the right to a reasonable expectation of privacy in his or her personal property  
9 to the same extent as personal property in a permanent residence, and the same right to privacy in  
10 his or her temporary housing, including tents, as a permanent residence.

11 SECTION 2. Section 34-37.1-4 of the General Laws in Chapter 34-37.1 entitled "Homeless  
12 Bill of Rights" is hereby amended to read as follows:

13 **34-37.1-4. Damages and attorney's fees. Damages, attorney's fees and fines.**

14 (a) An aggrieved individual or any organization that is chartered for the purpose of  
15 safeguarding individual civil liberties or combatting homelessness shall have the right to bring a  
16 civil action in the superior court to enforce the provisions of this chapter.

17 (b) In any civil action alleging a violation of this chapter, the court may award appropriate  
18 injunctive and declaratory relief, actual damages, and reasonable attorney's fees and costs to a  
19 prevailing plaintiff.

20 (c) Any person intentionally violating any right recognized in this chapter may be fined  
21 two thousand five hundred dollars (\$2,500) per violation.

22 (d) All fines collected shall be received by the Rhode Island department of housing and  
23 utilized for housing stabilization services or to address other issues related to homelessness.

24 SECTION 3. Chapter 34-37.1 of the General Laws entitled "Homeless Bill of Rights" is  
25 hereby amended by adding thereto the following sections:

26 **34-37.1-7. Written policies required.**

27 (a) All police and public works departments shall adopt written policies and procedures  
28 necessary to ensure that their respective departments fully comply with all requirements of this  
29 chapter and make them publicly available.

30 (b) Every police department policy established pursuant to the provisions of this section  
31 shall recognize the reasonable expectation of privacy that a homeless person has in their tent.  
32 Pursuant to the policy, no tent occupied by a homeless person shall be subject to an unreasonable  
33 search.

34 **34-37.1-8. Encampments.**

1           (a) Prior to any enforcement action to relocate or vacate persons occupying an encampment  
2 located on public property, at least sixty (60) days notice to vacate shall be provided to persons  
3 staying in the encampment. The notice shall be in writing, state the basis and authority for the  
4 action, and apprise individuals how they may retrieve personal property left at the encampment in  
5 accordance with subsection (c) of this section.

6           (b) Reasonable alternatives for relocation shall be made available to all person occupying  
7 the encampment in collaboration with outreach workers, prior to any enforcement action conducted  
8 pursuant to the provisions of subsection (a) of this section.

9           (c) Except to address health or safety hazards, any personal property found onsite shall be  
10 maintained by the enforcement agency for at least thirty (30) days after the enforcement action has  
11 been completed.

12           SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would update the Homeless Bill of Rights to add rules governing the interaction  
2 with encampments and require fines for non-compliance, require police and public works  
3 departments to adopt written policies and procedures to ensure compliance with the requirements  
4 of this chapter and include the right to access clean and sanitary conditions.

5           This act would take effect upon passage.

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