

PROPOSED HOMELESS PERSON'S BILL OF RIGHTS AND FAIRNESS ORDINANCE

Preamble

This Ordinance would enact the **Homeless Person's Bill of Rights and Fairness**, which would provide that no person's rights, privileges, or access to public services may be denied or abridged due to the fact that he or she is experiencing homelessness.

SECTION 1.

A person experiencing homelessness has the same rights and privileges as any other person resident including, but not limited to, the following:

1. The right to use and move freely in public spaces including, but not limited to, public sidewalks, parks, and transportation;
2. The right to equal treatment by all county and municipal agencies, including all law enforcement agencies, without discrimination on the basis of housing status;
3. The right not to face discrimination while seeking or maintaining employment due to his or her lack of a permanent mailing address, or his or her mailing address being that of a homeless shelter or social service provider;
4. The right to emergency medical care free from discrimination based on his or her housing status;
5. The right to vote, register to vote, and receive documentation necessary to prove identity for voting without discrimination due to his or her housing status;
6. The right to a reasonable expectation of privacy of his or her personal property to the same extent as personal property in a permanent residence;
7. The right to lodge a formal complaint against any employee of county or municipal agency without fear of retaliation;
8. The right to protection from disclosure of his or her records and information provided to homeless shelters and service providers to county, municipal, and private entities without appropriate legal authority; the right to confidentiality of personal records and information in accordance with all limitations on disclosure established by the Federal Homeless Management Information Systems, Federal Health Insurance Portability and Accountability Act, and Federal Violence against Women Act.

Section 2

A notice entitled "HOMELESS PERSON'S BILL OF RIGHTS" containing the text in **Section 1** of this Ordinance will be conspicuously posted in all public parks and on the notice boards of all municipal buildings. The notice will also be required to be conspicuously posted in any business within the county limits beside any sign and poster relating in anyway to homelessness including but not limited to trespassing, loitering, or panhandling.

Section 3

This Ordinance shall apply to county and municipal agencies and employees as well as private actors.

Section 4

To ensure equitable and cost-effective enforcement of the Homeless Person's Bill of Rights and Fairness Ordinance every local law enforcement agency shall annually compile and review the number of citations, arrests, and other enforcement activities made pursuant to laws prohibiting the following:

1. Obstructing a sidewalk, whether by a person or personal property;
2. Loitering;
3. Sitting;
4. Lying down;
5. Camping;
6. Public lodging;
7. Sleeping in a public place;
8. Soliciting donations;
9. Soliciting donations at certain restricted locations, including citing people for panhandling;
10. Bathing in public places;
11. Sharing or receiving food;
12. Inhabiting or sleeping in a vehicle;
13. Violating public park closure laws;
14. Trespassing, unless the trespassing charge is coupled with any other misdemeanor or felony.

Section 5

In any civil action alleging a violation of this Ordinance, the court may award appropriate injunctive and declaratory relief, actual damages, and reasonable attorney's fees and costs to a prevailing plaintiff.

Section 6

For the purposes of this Ordinance, "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.



H.O.M.E. of Daytona Beach (Homeless and Others for a Meaningful Exchange) is an advocacy group formed to help improve public perception of the homeless individual and to raise public awareness of homeless issues, such as the decriminalization of homelessness. H.O.M.E. is organized for the recognition of the right to shelter, emergency assistance, and freedom from harassment.
www.HOMEofDaytonaBeach.org