

Chapter 316
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A N A C T
RELATING TO PROPERTY - RHODE ISLAND FAIR HOUSING PRACTICES ACT

Introduced By: Representatives Blazejewski, Tanzi, Cimini, Handy, and Ajello
Date Introduced: January 18, 2012

It is enacted by the General Assembly as follows:

SECTION 1. Title 34 of the General Laws entitled "Property" is hereby amended by adding thereto the following chapter:

CHAPTER 37.1
HOMELESS BILL OF RIGHTS

34-37.1-1. Short title. – This chapter shall be known and may be cited as the “Homeless Bill of Rights.”

34-37.1-2. Legislative intent. – (1) At the present time, many persons have been rendered homeless as a result of economic hardship, a severe shortage of safe, affordable housing, and a shrinking social safety net.

(2) Article 1, Section 2 of the Rhode Island State Constitution states in part, that “All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the state ought to be fairly distributed among its citizens. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws.”

(3) Concordant with this fundamental belief, no person should suffer unnecessarily or be subject to unfair discrimination based on his or her homeless status. It is the intent of this chapter to ameliorate the adverse effects visited upon individuals and our communities when the state’s residents lack a home.

34-37.1-3. Bill of Rights. – No person’s rights, privileges, or access to public 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 resident of this state. A person experiencing homelessness;

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

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

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

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

(5) Has 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) Has the right to protection from disclosure of his or her records and information provided to homeless shelters and service providers to state, municipal and private entities

without appropriate legal authority; and the right to confidentiality of personal records and information in accordance with all limitations on disclosure established by the Federal Homeless Management Information Systems, the Federal Health Insurance Portability and Accountability Act, and the Federal Violence Against Women Act; and

(7) Has the right to a reasonable expectation of privacy in his or her personal property to the same extent as personal property in a permanent residence.

34-37.1-4. Damages and attorneys' fees. – In any civil action alleging a violation of this chapter, the court may award appropriate injunctive and declaratory relief, actual damages, and reasonable attorneys' fees and costs to a prevailing plaintiff.

34-37.1-5. Definitions. – For purposes of this chapter, "housing status" shall have the same meaning as that contained in section 34-37-3.

SECTION 2. Sections 34-37-1 and 34-37-3 of the General Laws in Chapter 34-37 entitled "Rhode Island Fair Housing Practices Act" are hereby amended to read as follows:

34-37-1. Finding and declaration of policy. -- (a) In the State of Rhode Island and Providence Plantations, hereinafter referred to as the state, many people are denied equal opportunity in obtaining housing accommodations and are forced to live in circumscribed areas because of discriminatory housing practices based upon race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, familial status, or on the basis that a tenant or applicant, or a member of the household, is or has been, or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a restraining order for protection from domestic abuse. These practices tend unjustly to condemn large groups of inhabitants to dwell in segregated districts or under depressed living conditions in crowded, unsanitary, substandard, and unhealthful accommodations. These conditions breed intergroup tension as well as vice, disease, juvenile delinquency, and crime; increase the fire hazard; endanger the public health; jeopardize the public safety, general welfare and good order of the entire state; and impose substantial burdens on the public revenues for the abatement and relief of conditions so created. These discriminatory and segregative housing practices are inimical to and subvert the basic principles upon which the colony of Rhode Island and Providence Plantations was founded and upon which the state and the United States were later established. Discrimination and segregation in housing tend to result in segregation in our public schools and other public facilities, which is contrary to the policy of the state and the constitution of the United States. Further, discrimination and segregation in housing adversely affect urban renewal programs and the growth, progress, and prosperity of the state. In order to aid in the correction of these evils, it is necessary to safeguard the right of all individuals to equal opportunity in obtaining housing accommodations free of discrimination.

(b) It is hereby declared to be the policy of the state to assure to all individuals regardless of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, or disability, age, familial status, housing status, or those tenants or applicants, or members of a household, who are, or have been, or are threatened with being, the victims of domestic abuse, or those tenants or applicants who have obtained, or sought, or are seeking, relief from any court in the form of a restraining order for protection from domestic abuse, equal opportunity to live in decent, safe, sanitary, and healthful accommodations anywhere within the state in order that the peace, health, safety, and general welfare of all the inhabitants of the state may be protected and insured.

(c) The practice of discrimination in rental housing based on the potential or actual tenancy of a person with a minor child, or on the basis that a tenant or applicant, or a member of the household, is or has been or is threatened with being, the victim of domestic abuse, or that the tenant or applicant has obtained, or sought, or is seeking, relief from any court in the form of a

restraining order for protection from domestic abuse is declared to be against public policy.

(d) This chapter shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health, and peace of the people of the state.

(e) Nothing in this section shall prevent a landlord from proceeding with eviction action against a tenant who fails to comply with section 34-18-24(7).

34-37-3. Definitions. -- When used in this chapter:

(1) "Age" means anyone over the age of eighteen (18).

(2) "Commission" means the Rhode Island commission for human rights created by section 28-5-8.

(3) "Disability" means a disability as defined in section 42-87-1.

Provided further that the term "disability" does not include current, illegal use of or addiction to a controlled substance, as defined in 21 U.S.C. section 802.

(4) "Discriminate" includes segregate, separate, or otherwise differentiate between or among individuals because of race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, housing status, or familial status or because of the race, color, religion, sex, sexual orientation, gender identity or expression, marital status, country of ancestral origin, disability, age, housing status, or familial status of any person with whom they are or may wish to be associated.

(5) The term "domestic abuse" for the purposes of this chapter shall have the same meaning as that set forth in section 15-15-1, and include all forms of domestic violence as set forth in section 12-29-2, except that the domestic abuse need not involve a minor or parties with minor children.

(6) (i) "Familial status" means one or more individuals who have not attained the age of eighteen (18) years being domiciled with:

(A) A parent or another person having legal custody of the individual or individuals; or

(B) The designee of the parent or other person having the custody, with the written permission of the parent or other person provided that if the individual is not a relative or legal dependent of the designee, that the individual shall have been domiciled with the designee for at least six (6) months.

(ii) The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(7) The terms, as used regarding persons with disabilities, "auxiliary aids and services," "reasonable accommodation," and "reasonable modifications" have the same meaning as those terms are defined in section 42-87-1.1.

(8) The term "gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self image, gender-related appearance, or gender-related expression; whether or not that gender identity, gender-related self image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

(9) "Housing accommodation" includes any building or structure or portion of any building or structure, or any parcel of land, developed or undeveloped, which is occupied or is intended, designed, or arranged to be occupied, or to be developed for occupancy, as the home or residence of one or more persons.

(10) "Otherwise qualified" includes any person with a disability who with respect to the rental of property, personally or with assistance arranged by the person with a disability, is capable of performing all the responsibilities of a tenant as contained in section 34-18-24.

(11) "Owner" includes any person having the right to sell, rent, lease, or manage a housing accommodation.

(12) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, labor organizations, mutual companies, joint stock companies, trusts, receivers, legal representatives, trustees, other fiduciaries, or real estate brokers or real estate salespersons

as defined in chapter 20.5 of title 5.

(13) "Senior citizen" means a person sixty-two (62) years of age or older.

(14) The term "sexual orientation" means having or being perceived as having an orientation for heterosexuality, bisexuality, or homosexuality. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the criminal laws of this state nor impose any duty on a religious organization. This definition does not confer legislative approval of said status, but is intended to assure the basic human rights of persons to hold and convey property and to give and obtain credit, regardless of such status.

(15) The term "victim" means a family or household member and all other persons contained within the definition of those terms as defined in section 12-29-2.

(16) The term "housing status" means the status of having or not having a fixed or regular residence, including the status of living on the streets or in a homeless shelter or similar temporary residence.

SECTION 3. This act shall take effect upon passage.

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Nation's 1st Homeless Bill of Rights Slow to Cause Change in Rhode Island

BY: Stateline | November 12, 2012

By Jake Grovum

Just two miles separate the Rhode Island State House from Amos House, a soup kitchen and service center that's helped hundreds of thousands since opening in 1976.

But it feels farther. Amos House sits amid a maze of narrow streets lined with subsidized housing and empty storefronts, past a string of convenience and liquor stores where homeless Rhode Islanders frequently gather. It's near one of Providence's ubiquitous homeless shelters -- crossroads -- where battered women seek refuge and drug dealers often congregate outside.

Advocates were looking to close the gap between Rhode Island's homeless and the rest of the state's citizenry when they convinced state lawmakers to approve the nation's first Homeless Bill of Rights this past summer. The new law prohibits landlords and employers from discriminating against the homeless when they apply for apartments or jobs, and affirms their right to be in public spaces such as parks and libraries. The broader idea was that outlawing prejudice against homeless people would eliminate the stigma that surrounds homelessness.

The law, backed by a coalition of activists, academics and attorneys, may become a national model. But months after its passage, there is frustration over the slow pace of change. Some advocates still are not sure how they can use the law to fix lingering problems, while others worry that their legislative success has curbed the state's appetite for more homeless aid.

On a raw rainy afternoon several weeks ago, last summer's legislative triumph seemed far away for 48-year-old Stephen Patrick, a former restaurant chef who once worked full time at \$13 an hour but has been homeless since suffering a seizure and heart attack last year. "It's getting colder out, and I don't want to be on the street," Patrick said, eating lunch at a cramped Amos House. "I just need a house, bad."

"I'm just trying get by," he says, "by any means possible."

'The Fight's Not Over Yet'

In simple terms, the Rhode Island Homeless Bill of Rights affirms that the homeless have the same rights as everyone else.

It bars local authorities from ejecting homeless people from public spaces such as parks, libraries and public transportation. It says employers and government agencies can't discriminate against people who don't have a permanent address.

But the real power of the law may be its utility in the courtroom. For example, advocates can use it to sue a Rhode Island city or town that imposes an ordinance banning "loitering" in public parks.

As Linda Tashbook of the University of Pittsburgh law school says, it eliminates the need for advocates to parse arguments or find compelling stories. "With a Homeless Bill of Rights, the claim can be clear and simple," she says. "There is no need to wait for a new incident of victimization."

What the law doesn't do, though, is guarantee food or shelter. Early versions of the bill focused on a "Right to Housing," but advocates figured that wouldn't pass. The scaled-back bill has spawned some disillusionment.

"We fought hard to get the Homeless Bill of Rights," says John Joyce, who was formerly homeless but now works as an outreach coordinator, "and I'll be damned if we let someone [walk all over] it."

Joyce was speaking at a recent meeting of the Rhode Island Homeless Advocacy Project in a small chapel in downtown Providence's Mathewson Street United Methodist Church. There was a lot on the agenda: The election, colder October weather, the uptick in people on the streets.

But the Bill of Rights was a central focus. Advocates distributed printed cards detailing rights covered under the law. Participants also discussed whether they could use the law to thwart an attempt by local officials to evict

charitable food trucks from nearby Kennedy Plaza. For-profit food trucks are allowed to sell food nearby.

That conflict, some say, could soon lead to the first lawsuit under the Bill of Rights. "We're looking for one we can win," says John Freltas, a self-described "frustrated" outreach coordinator.

But the food-truck issue pales in comparison to more pressing concerns: the need to expand and improve overcrowded shelters; the need for more money for homeless programs.

"The fight's not over yet," Joyce says, telling the group he'd like activists to show up en masse at an upcoming State House hearing on homelessness. Another idea is to file a lawsuit against the state over poor conditions at one particularly dilapidated shelter.

"Wouldn't that be something?" he says. "The governor signs the Homeless Bill of Rights and then gets sued under it."

'Those People Were Living Like Animals'

No lawmaker was more important to the passage of the Homeless Bill of Rights than Senator John Tassoni Jr., a Democrat from Smithfield, Rhode Island, about 10 miles outside Providence.

Long a safety-net advocate, Tassoni joined the Bill of Rights coalition after a visit to one notorious shelter, Harrington Hall in the Providence suburb of Cranston. He found deplorable conditions: overcrowding, triple-stacked bunks and just two toilets and two showers for more than 100 people.

"I was astonished, amazed, disgusted, sickened, all of the above," Tassoni says. "Those people were living like animals."

He emerged with a two-pronged agenda: Clean up existing shelters and help advocates enact their Homeless Bill of Rights. The first would make a practical improvement. The second, Tassoni reasoned, would hopefully "eliminate the stigma and the disrespect that some people have for the homeless."

Lawmakers approved the bill on the last day of the legislative session, and Rhode Island Governor Lincoln Chafee, an independent, signed it shortly thereafter. Chafee also ordered a cleanup at Harrington Hall.

But in the months since, progress has been slow. Homeowners near Harrington Hall are pushing back, saying they'd rather see the center closed than improved. The issue has permeated local elections, where one candidate has called homeless people "animals" in opposing the shelter.

At the same time, there are still reports of local harassment, of bus drivers blowing past the homeless at bus stops. Many frustrations that existed before remain. Tassoni is planning hearings in the coming weeks on shelter conditions and winter housing concerns.

Meanwhile, the advocacy continues.

"It's just going to be a big battle," Frank Nolan, who was homeless but now does outreach, says of the Harrington Hall project. "It's working," he adds of the new law, "but it's not working."

A Different Direction

Despite its shortcomings, Rhode Island's law stands in sharp contrast to what is going on in many other states. A year ago, a study by the National Law Center on Homelessness and Poverty (NLCHP) found more than half of the 234 cities surveyed had ordinances against loitering or panhandling in certain public places. A third of those laws prohibited sitting or lying down. In this sense, the Bill of Rights is a powerful countermeasure.

"So much of our work has been defensive for such a long time," Jeremy Rosen of the NLCHP says. "Always playing defense can be dispiriting."

With that in mind, advocates want to take Rhode Island's success national. Tassoni didn't seek re-election this year and is considering a paid position with a national advocacy group to travel the country and lobby for similar measures. Tassoni, the Rhode Island Coalition for the Homeless and the Rhode Island Homeless Advocacy Project all will be honored at the NLCHP McKinney-Vento Awards this month in Washington.

'It Was Like a Dream'

Joyce, the homeless advocate, may be frustrated over the lack of progress in Rhode Island since the law was

passed, but he still praises the effort and hopes it will spread to other states.

"We want to spread this; it was one of our objectives even before it became law," he says. "It was like a dream: Imagine if we get this passed and other advocates pick this up and do the same."

At Amos House on that recent afternoon, there were others who were optimistic. Gregory Harrell, who was homeless for four years and now volunteers at another shelter, said even though he's not sure what changes might come, the measure helped remove the disrepute surrounding the homeless.

"It's just a stigma, it's a bad stigma," he says, standing in Amos House's cafeteria, wiping away tears. "Nobody should ever look down on people."

Sonny Ramsey, a coordinator at Amos House, agreed. Taking a break from his busy schedule and overcrowded waiting room filled with families looking for help, he said he was hopeful.

"It's a wonderful thing," he says. "It's gonna change a lot of lives."

Still, he wasn't sure how. He admits not following the law as closely as he'd like. The reason? His packed caseload, a testament to remaining problems. Helping just one slice of the still-sizable homeless population of Rhode Island doesn't leave much time for anything else.

"I'm swamped here," he says. "But I'm just positive it's going to do some good."

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