

HOMELESS BILL OF RIGHTS

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House Bill 4919 as introduced
Sponsor: Rep. Emily E. Dievendorf
Committee: Economic Development
and Small Business [Discharged]
Complete to 12-13-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4919 would create the Bill of Rights for the Homeless Act, which would provide that homeless individuals must be granted the same rights and privileges as any other citizen in Michigan and would prohibit the denial or abridgment of an individual's rights, privileges, or access to public services solely because the individual is, or is perceived to be, homeless.

The act would state that it is the long-standing policy of the state of Michigan that an individual should not suffer unnecessarily due to cold or hunger, be deprived of shelter or the basic rights incident to shelter, or be subject to discrimination based on their homelessness. It would further add that many individuals are homeless due to economic hardship, a severe shortage of safe and affordable housing, and a shrinking social safety net. It would additionally state that youths between 13 and 15 years of age and young adults between 16 and 23 years of age particularly suffer from deprivation due to homelessness or the perception that they are homeless. Accordingly, the act would declare its intent to lessen the adverse effects and conditions caused by homelessness.

An individual experiencing homelessness would have the following rights:

- The right to move freely in public spaces in the same manner as any other individual without discrimination based on the individual's *housing status*.
- The right to equal treatment by all state and municipal agencies without discrimination based on the individual's housing status.
- The right to freedom from employment discrimination because the individual lacks a permanent mailing address or has a mailing address that is a shelter or social service provider.
- The right to emergency medical care without discrimination based on the individual's housing status.
- The right to vote, register to vote, and receive necessary documentation to prove identity for the purpose of voting without discrimination based on the individual's housing status, if an individual is a United States citizen.
- The right to protection from disclosure of the individual's records or information provided to a homeless shelter or social service provider to state, municipal, or private entities without appropriate legal authority.
- The right to confidentiality of personal records and information in accordance with all disclosure limitations established by requirements under a federal Homeless Management Information System (HMIS), the Health Insurance Portability and Accountability Act (HIPAA), or the Violence Against Women Act (VAWA).

- The right to a reasonable expectation of privacy in the individual’s personal property to the same extent as personal property in a permanent residence.
- The right for a homeless youth to be enrolled in school without discrimination or delay based on the youth’s housing status.

Housing status would mean the status of having or not having a fixed or regular residence, including living on the streets, in a shelter, or in a temporary residence.

A prevailing plaintiff in a civil action that alleges a violation of the act would be eligible to receive appropriate injunctive and declaratory relief, actual damages, and reasonable attorney fees and costs.

The bill would go into effect 90 days after it is enacted.

BACKGROUND:

As of 2022,¹ Rhode Island, Connecticut, Illinois, and Puerto Rico have enacted a Homeless Bill of Rights, many of which are substantively similar to House Bill 4919.

BRIEF DISCUSSION:

According to testimony before the Economic Development and Small Business Subcommittee on Housing, House Bill 4919 is intended to establish a baseline standard for how people should be treated regardless of their housing status and to provide protections for currently existing rights that are often denied to homeless people. Supporters of the bill argue that the legislation would help end discrimination against a community’s homeless population, and the civil penalties would provide a mechanism for accountability when an individual is unable to access the resources that they need. Supporters also argue that the bill would not prohibit local governments from taking action to address homeless encampments.

No arguments opposing House Bill 4919 were raised during subcommittee testimony, but concerns were raised about the necessity of the bill if it would not expand any current rights.

FISCAL IMPACT:

House Bill 4919 would have an indeterminate fiscal impact on local court funding units. The fiscal impact would depend on the number of individuals seeking relief through civil actions filed with the courts alleging violations under the bill.

The bill would have an indeterminate fiscal impact on the Department of Labor and Economic Opportunity and on local units of government. It is unclear at this time whether the bill's provisions would increase costs to the department or to local governmental units.

¹ Invisible People, an organization that advocates for policies addressing homelessness, tracks states that have a Homeless Bill of Rights: <https://invisiblepeople.tv/what-is-a-homeless-bill-of-rights-and-which-states-have-them/>.

POSITIONS:

Representatives of the following entities testified in support of the bill:

- Angel's Hands Community Outreach (9-28-23)
- Capital Region Housing Collaborative (9-28-23)
- Cardboard Prophets (9-28-23)
- For Our Future (9-28-23)
- Haven House (9-28-23)
- Nation Outside (9-28-23)
- Rent is Too Damn High (10-5-23)
- SDIA Homeless Outreach (9-28-23)

The following entities indicated support for the bill:

- Fund MI Future (10-5-23)
- Michigan Coalition Against Homelessness (11-14-24)
- Michigan Coalition to End Domestic and Sexual Violence (9-28-23)
- Michigan League for Public Policy (9-28-23)
- Michigan Poverty Law Program (11-14-24)
- NorthWest Initiative Advocacy, Re-entry, Resources, and Outreach (10-5-23)

The following entities indicated opposition to the bill (11-14-24):

- City of Wyoming
- National Federation of Independent Business

Legislative Analyst: Holly Kuhn
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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.