



Anti-Displacement and Discrimination

Pass a Bill of Rights for Individuals Experiencing Homelessness

Recommendation: Establish a bill of rights that explicitly protects people experiencing homelessness from common forms of discrimination based on housing status. Specifically, it protects the right of people experiencing homelessness to move freely in public spaces and to receive equal treatment by state and municipal authorities. It provides freedom from discrimination while seeking or maintaining employment, housing, and emergency medical care, and offers a reasonable expectation of privacy of personal property (National Homelessness Law Center). The following cities, states and territories have passed homeless rights legislation: Baltimore, MD; Connecticut; Duluth MN; Illinois; Madison, WI; Puerto Rico; Rhode Island and Traverse City, MI (National Coalition for the Homeless).

Why? On average, there are over 1,100 Delawareans that are unsheltered every night. Over a quarter of these are children. No person's rights, privileges, or access to public services should be denied or abridged solely because they are identified as unsheltered or sheltered homeless. It is essential that individuals experiencing homelessness are free from discrimination and able to access community-based services that can provide personal protections and access to safe, secure, and affordable housing. a

How? Enact legislation that establishes individuals experiencing homelessness as a protected class. Ensure that people's existing civil rights are protected and make discrimination on the basis of housing status illegal. Further, establish a means of investigating and enforcing these protections.

What does the Bill of Rights do?

The proposed state law would provide persons experiencing homelessness protection from discrimination when seeking housing, employment, and temporary shelter. The bill would also provide basic legal and civil protections to ensure equal treatment during the use of public spaces and buildings. Those that believe they have been discriminated against based on their housing status could file a complaint with the Human Relations Commission, who would investigate the claim.

The bill does not give persons experiencing homelessness additional rights, nor does it legalize asking for help or loitering. The bill does not infringe on any private property loitering laws or ordinances.

How does this impact organizations providing services to people experiencing homelessness?

Temporary shelters are exempted from the anti-discrimination clause when functioning in their capacity to designate shelter based on gender or familial status, or in the case of funding sources that require certain populations be served. This right does not introduce any new requirement with regard to the obligation of shelters or other providers to update their facilities or provide new accommodations. It does not prevent shelters from performing reasonable searches of private property based on the facility's rules.

What does enforcement look like?

The legislation gives the State Human and Civil Rights Commission responsibility for investigating complaints of discrimination based on housing status. If it is determined that a violation has occurred, a fine can be assessed to the discriminating party. Delaware would be the first state to include an enforcement mechanism to homeless rights legislation.