

PROPOSED RESOLUTION IN DECLARATION OF THE CIVIL LIBERTIES OF HOMELESS PERSONS, INCLUDING THE RIGHT TO FAIR TREATMENT UNDER THE LAW

Preamble:

This resolution provides that no person's civil liberties, privileges, or right of access to public services and facilities can be denied or abridged due to the fact that he or she is experiencing homelessness.

SECTION 1:

Any person experiencing homelessness has the same civil liberties, privileges, and right of access to public services and facilities as any other person, including, but not limited to, the following:

The right to use and move freely in public spaces including, but not limited to, public sidewalks, parks, and transportation;

The right to equal treatment by all county and municipal agencies, including all law enforcement agencies, without discrimination on the basis of housing status;

The right not to face discrimination while seeking or maintaining employment due to the lack of a permanent mailing address or because one's mailing address is that of a homeless shelter or social service provider;

The right to emergency medical care free from discrimination based on housing status;

The right to vote, register to vote, and receive documentation necessary to prove identity for voting without discrimination due to housing status;

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;

The right to lodge formal complaints against any employee of county or municipal agency, including law enforcement officials, without fear of retaliation;

The right to protection from disclosure of personal 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:

This resolution provides recognition that all human beings, regardless of housing status, have the same basic needs to defecate, urinate, access clean water and other living necessities. Those individuals with housing resources have the opportunity to perform these functions with dignity and relative privacy under hygienic circumstances and conditions. The homeless require access to free public resources to perform these functions. One of the most significant responsibilities of relevant local governments is the provision of clean, safe, and highly accessible facilities, free to all, to serve the defecation, urination, and clean water needs of the general public, including the unique needs of the homeless.

SECTION 3:

A notice entitled "DECLARATION OF HOMELESS PERSON'S BILL OF RIGHTS" and containing the text in this resolution will be conspicuously posted in all public parks and on the notice boards of all municipal buildings.

SECTION 4:

This resolution shall apply to county and municipal agencies and employees, including all law enforcement officers and officials, as well as private actors.

SECTION 5:

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

- Obstructing a sidewalk, whether by a person or personal property;
- Loitering;
- Sitting;
- Lying down;
- Camping;
- Public lodging;
- Sleeping in a public place;
- Soliciting donations;
- Soliciting donations at certain restricted locations, including citing people for panhandling;
- Bathing in public places;
- Sharing or receiving food;
- Inhabiting or sleeping in a vehicle;
- Violating public park closure laws;
- Trespassing, unless the trespassing charge is coupled with any other misdemeanor or felony.

SECTION 6:

For the purposes of this resolution, “homeless” means lacking a fixed, regular, and adequate residence, or having a primary 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.

OVERVIEW: Please find here a proposed resolution developed by the Justice for Homeless Committee and submitted to every member of the Daytona Beach city commission and the Volusia County council for their review. Every member of these two government bodies will be asked to support this resolution by casting an affirmative vote in public.