



Governor's Advisory Council for Exceptional Citizens (GACEC)
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MEMORANDUM

DATE: June 6, 2017

TO: The Honorable Members of the Delaware General Assembly

FROM: Dafne A. Carnright, Chairperson
GACEC

RE: **Senate Bill No. 49 (Homeless Individual's Bill of Rights)**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed Senate Bill No. 49 which is intended to prevent discrimination based on homelessness in a variety of contexts, including public places, applying for housing, seeking temporary shelter and voting. Local governments would be barred from enacting ordinances or regulations inconsistent with listed rights (lines 59-60). An aggrieved person could file a complaint and seek remedies through the State Human Relations Commission. The Attorney General would also have the authority to seek enforcement through a civil action (lines 245-259). Council **endorses** the proposed legislation subject to the adoption of amendments based on the observations noted below.

First, there is a typographical error on line 100. The parentheses should be deleted. Compare the 2016 bill (Senate Substitute No. 1 for Senate Bill No. 134) at line 97.

Second, the references to "§7803(a)" in lines 69, 72 and 96 should be simply to "§7803" to conform to lines 167 and 170 and clarify the availability of enforcement of §7803(b).

Third, in line 208, "are" should be substituted for "is".

Fourth, lines 59-60 could be interpreted as limiting only prospectively enacted laws, ordinances, and regulations. Concomitantly, existing non-conforming laws, ordinances, and regulations would be "grandfathered". The sponsors could consider amending lines 59-60 as follows: "No political subdivision of this State may enact or enforce any law, ordinance, or regulation contrary to subsection (a) of this section."

Fifth, the 90-day statute of limitation (lines 140-141) to file a complaint with the State Human Relations Commission is relatively short. Contrast one year statute of limitation for Fair Housing complaints filed with the Human Relations Commission [6 Del.C. §4610(a)]

Thank you for your time and consideration of our conditional endorsement and observations. Please feel free to contact me or Wendy Strauss at the GACEC office should you have any questions.