



Governor's Advisory Council for Exceptional Citizens (GACEC)
516 West Loockerman St., Dover, DE 19904
302-739-4553 (voice) 302-739-6126 (fax) <http://www.gacec.delaware.gov>

MEMORANDUM

DATE: February 28, 2023

TO: The Honorable Members of the Delaware General Assembly

FROM: Ann C. Fisher, Chairperson
GACEC

RE: **House Bill No. 55 Bill of Rights for Persons Experiencing Homelessness**

The Governor's Advisory Council for Exceptional Citizens (GACEC) has reviewed House Bill No. 55, which creates a Homeless Bill of Rights in Title 6 and Title 31. It establishes a new Chapter 45A in Title 6. HB55 protects individuals who are experiencing homelessness by creating rights related to the following:

1. Non-discrimination in use of public spaces
2. Non-discrimination from state, county or local agencies
3. Non-discrimination in housing due to status, lack of address
4. Non-discrimination while seeking temporary shelter
5. Non-discrimination in medical and dental care based on housing status
6. Non-discrimination in registering to vote and voting
7. Protection of private information
8. Reasonable expectation of privacy in personal property
9. Right to occupy a motor vehicle
10. Right to religious practices in public spaces
11. Right to eat, drink share or accept food in public spaces

Council **endorses** this proposed legislation since upwards of 25% of homeless individuals have a disability of some kind. Individuals with mental illness or intellectual disability are especially at risk of homelessness. This legislation will educate policy makers about how homeless

individuals face pervasive discrimination. It is also a step away from the criminalization of homelessness.

In addition to the rights mentioned above, the statute prohibits political subdivisions from enacting any policy, regulation or ordinance that is contrary to the prohibitions and rights. The bill empowers the State Human and Civil Rights Commission to enforce the law and develop a complaint apparatus. The bill creates the right to file a complaint for violations of the law. The bill creates a very short statute of limitations of just 90 days. Complaints related to law enforcement personnel are referred to the Department of Justice (DOJ). Council is concerned that this may create a potential conflict of interest for the DOJ. Fees, damages and penalties are available under the statute. The Division of Human Relations can take prompt judicial action pending administrative action on the complaint, if appropriate.

Rhode Island was the first state to pass a “Homeless Bill of Rights,” in 2012. Other states and municipalities have also developed bills of rights, including Illinois, Puerto Rico and Connecticut. According to a report from the Office of the UN High Commissioner for Human Rights, titled “The Right to Adequate Housing,” local attempts to deal with homelessness by making homeless people disappear from sight are gross civil and human rights violations. “When local governments use “lock 'em up” strategies to criminalize homelessness, homeless people are caught in a long-term cycle of poverty and stigmatization.”

The City of Wilmington has arguably engaged in a systematic campaign to drive out homeless individuals by moving transportation hubs, closing shelters and designing parks so that individuals have no place to sit. This bill will address this and other efforts by municipalities to try to drive homeless individuals from their communities.

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