



Bill of Rights for Individuals **Experiencing Homelessness ([HB 235](#))** **Laying a Legal Foundation to End Homelessness**

Overview

The Bill of Rights for Individuals Experiencing Homelessness (HBOR) explicitly protects people experiencing homelessness from discrimination based on housing status and includes a reporting component and enforcement mechanism, which will be the first of its kind for this type of legislation. People experiencing homelessness, formerly homeless, and at risk of homelessness have been in the forefront in developing a homeless bill of rights for the state of Delaware. This effort is informed by community advocates with the lived experience of homelessness, and in partnership with allies across the state.

The Problem

Individuals experience homeless for numerous reasons, some include lack of affordable housing, lack of employment opportunities, inability to access public assistance, lack of affordable healthcare, domestic violence, mental illness, and addiction.¹ In January 2020, there were 580,466 people experiencing homelessness in the United States. 70 percent were individuals and the others were people living in families with children.² In Delaware, on a given night, there are 1,000 people experiencing homelessness and one in every four people experiencing homelessness is a child under the age of 18.³ [The National Coalition for the](#)

¹ <https://nationalhomeless.org/about-homelessness/>

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<https://endhomelessness.org/homelessness-in-america/homelessness-statistics/state-of-homelessness-2021/>

³ <https://www.housingalliance.org/homelessness>

[Homeless](#) also states there is an over-representation of people of color experiencing homelessness.⁴

Individuals experiencing homelessness face threats to “life-sustaining activities...even when there are no sheltered alternatives” and face discrimination based on their housing status.

Examples of when discrimination occurs include:^{5,6}

- Using and moving freely in public spaces, including public sidewalks, public parks, public transportation, and public buildings
- Seeking or maintaining housing due to the individual’s lack of a permanent address, the individual’s address being that of a shelter or social service provider
- Seeking temporary shelter because of race, color, religion, creed, age, gender, sexual orientation, gender identity, marital status, familial status, disability, or national origin
- Seeking medical and dental care
- Voting, registering to vote, and receiving documentation necessary to prove identity for voting
- Privacy violations in public spaces or temporary shelters
- Acquiring a car or motor vehicle

Not having an address can substantially affect an individual’s ability to access public services, apply for jobs or exercise their right to due process. Regulations upholding these systems and outcomes can prolong homelessness, use taxpayer dollars ineffectively, and do not benefit any part of a community.⁷

Policy Solutions

In 2021, Delaware introduced [House Bill 235](#), the Bill of Rights for Individuals Experiencing Homelessness. The purpose of this bill is to ensure all individuals, independent of their housing status, have an equal ability to live in decent, safe, and clean places and have access to equal opportunities. This bill also creates a process for the State Human Relations Commission and the Division of Human Relations to accept and investigate complaints of discrimination, attempt to resolve the issue, and refer enforcement actions to the Department of Justice when necessary.⁸ If passed, this law will be the only HBOR with a reporting component.

[The National Coalition for the Homeless](#) states that the Homeless Bill of Rights measures should work to ensure that homeless individuals are:

- “Protected against segregation, laws targeting homeless people for their lack of housing and not their behavior, and restrictions on the use of public space
- Granted privacy and property protections
- Allowed the opportunity to vote and feel safe in their community without fear or harassment
- Provided broad access to shelter, social services, legal counsel and quality education for the children of homeless families”

⁴ <https://nationalhomeless.org/about-homelessness/>

⁵ https://homelesslaw.org/wp-content/uploads/2018/10/Wrongs_to_Rights_HBOR.pdf

⁶ <https://legis.delaware.gov/BillDetail?legislationId=78844>

⁷ https://homelesslaw.org/wp-content/uploads/2018/10/Wrongs_to_Rights_HBOR.pdf

⁸ <https://legis.delaware.gov/BillDetail?legislationId=78844>

According to the [Substance Abuse and Mental Health Services Administration](#), homeless bills of rights are critical laws because there are not currently other ways to effectively fight or stop discrimination against people experiencing homelessness—it is essential these laws become enacted and stay in place to keep the issue visible.⁹

The following cities, states and territories have passed homeless rights legislation: Baltimore, Maryland, Connecticut, Duluth, Minnesota, Illinois, Madison, Wisconsin, Puerto Rico, Rhode Island, Traverse City, Michigan.¹⁰ These types of bills offer numerous benefits like helping reduce the stigmatization of homelessness and helping protect people from common rights violations. Most importantly, homeless bills of rights can help create a legal foundation to end homelessness.¹¹

Resources for More Information

Additional resources

- [Homeless Bill of Rights Overview \(from the National Coalition for the Homeless\)](#)
- [“Delaware lawmakers push ‘Bill of Rights’ for individuals experiencing homelessness” \(WHYY PBS\)](#)
- [Ending Discrimination for Delaware’s Homeless](#)
- [From Wrongs to Rights: The Case for Homeless Bill of Rights Legislation](#)

Model legislation

- [Delaware SB 49 Homeless Individual's Bill of Rights](#)
- [Bill of Rights for the Homeless Act, Illinois](#)
- [Resolution Recognizing the Rights of People Experiencing Homelessness, Traverse City, Michigan](#)

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<https://www.samhsa.gov/homelessness-programs-resources/hpr-resources/rhode-island-homeless-bill-rights>

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<https://nationalhomeless.org/campaigns/bill-of-right/#:~:text=Homeless%20Bill%20of%20Rights%20measures%20work%20to%20ensure%20that%20homeless,the%20use%20of%20public%20space>.

¹¹ https://homelesslaw.org/wp-content/uploads/2018/10/Wrongs_to_Rights_HBOR.pdf