

**SUBSTITUTE FOR  
HOUSE BILL NO. 4919**

A bill to establish a bill of rights for the homeless; to provide exceptions; to provide a remedy for violation of those rights; and to provide for the powers and duties of certain state and local governmental officers and entities.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act may be cited as the "bill of rights for the  
2 homeless act".

3       Sec. 2. As used in this act:

4       (a) "Housing status" means the status of having or not having  
5 a fixed or regular residence, including the status of living on the  
6 streets, in a shelter, or in a temporary residence.

7       (b) "Local unit of government" means a county, township, city,  
8 or village.



1 (c) "Safe outdoor space" means a sanctioned encampment area  
2 owned or operated by a local unit of government where an individual  
3 experiencing homelessness could lawfully reside.

4 Sec. 3. It is the long-standing policy of this state that an  
5 individual should not suffer unnecessarily from cold or hunger, be  
6 deprived of shelter or the basic rights incident to shelter, or be  
7 subject to unfair discrimination based on the individual's homeless  
8 status. Many individuals are homeless as a result of economic  
9 hardship, a severe shortage of safe and affordable housing, and a  
10 shrinking social safety net. In particular, youths aged 13 to 15  
11 and young adults aged 16 to 23 often suffer from deprivation  
12 because they are homeless or perceived as being homeless. It is the  
13 intent of this act to lessen the adverse effects and conditions  
14 caused by the lack of a residence or a home.

15 Sec. 4. An individual's rights, privileges, or access to  
16 public services must not be denied or abridged solely because the  
17 individual is homeless or perceived as being homeless. An  
18 individual who is homeless shall be granted the same rights and  
19 privileges as any other citizen of this state. An individual  
20 experiencing homelessness has all of the following rights:

21 (a) The right to use and move freely in public spaces,  
22 including, but not limited to, public sidewalks, public parks,  
23 public transportation, and public buildings, in the same manner as  
24 any other individual and without discrimination on the basis of the  
25 individual's housing status.

26 (b) The right to equal treatment by all state and municipal  
27 agencies, without discrimination on the basis of housing status.

28 (c) The right to freedom from discrimination in employment  
29 because of the lack of a permanent mailing address or having a



1 mailing address that is a shelter or social service provider.

2 (d) The right to emergency medical care free from  
3 discrimination based on housing status.

4 (e) If the individual is a United States citizen, the right to  
5 vote, register to vote, and receive documentation necessary to  
6 prove identity for voting without discrimination due to housing  
7 status.

8 (f) The right to protection from disclosure to state,  
9 municipal, or private entities without appropriate legal authority  
10 of the individual's records or information that was provided to a  
11 homeless shelter or service provider; and the right to  
12 confidentiality of personal records and information in accordance  
13 with all limitations on disclosure established by requirements  
14 under a federal homeless management information system, the health  
15 insurance portability and accountability act of 1996, Public Law  
16 104-191, or the violence against women act of 1994, Public Law 103-  
17 322.

18 (g) The right to a reasonable expectation of privacy in the  
19 individual's personal property to the same extent as personal  
20 property in a permanent residence.

21 (h) The right, if a homeless youth, to be enrolled in school  
22 without delay or discrimination because of housing status.

23 Sec. 5. This section does not do any of the following:

24 (a) Preclude the enforcement of laws, ordinances, rules, or  
25 regulations regarding the use or occupancy of or conduct in a  
26 public place, including, but not limited to, any of the following  
27 in a public place:

28 (i) The limits on the duration of use or occupancy.

29 (ii) The types of activities permitted or prohibited.



1 (iii) The removal of personal belongings.

2 (b) Provide for a right to store, keep, or maintain personal  
3 property on any public or private property that is not generally  
4 provided to other individuals that are not experiencing  
5 homelessness.

6 (c) Regulate or affect a property owner's rights to handle and  
7 dispose of unattended personal property in the property owner's  
8 private property in the same manner the property owner would handle  
9 and dispose of unattended personal property of an individual who is  
10 not experiencing homelessness.

11 Sec. 6. A local unit of government may designate an area  
12 within the local unit of government as a safe outdoor space for  
13 individuals experiencing homelessness.

14 Sec. 7. (1) In a civil action alleging a violation of this  
15 act, the court may award appropriate injunctive and declaratory  
16 relief, actual damages, and reasonable attorney fees and costs to a  
17 prevailing plaintiff.

18 (2) A local unit of government is not liable in a civil action  
19 for damages resulting from an act or omission occurring in the  
20 performance of the local unit of government's duties under this act  
21 except an act or omission constituting gross negligence or willful  
22 or wanton misconduct.

23 Enacting section 1. This act takes effect 90 days after the  
24 date it is enacted into law.

