

HOMELESS BILL OF RIGHTS SIDE-BY-SIDE COMPARISON

	IFC's Original Proposed Homeless Bill of Rights November 26, 2010	IFC Proposal Legal Basis	IFC Proposal Research Basis IFC Research Study [†]	Rhode Island's Enacted Homeless Bill of Rights June 21, 2012
BILL SUMMARY	Establishes the Bill of Rights for the Homeless Act which designates "housing status" as a prohibited ground of discrimination, abuse, and harassment.	42 C.F.R. § 483.10; 42 C.F.R. § 483.15; Civil Rights Act of 1964; Bill of Rights for the Homeless Act (Illinois HB4116)	Organizational and Policy-level factors influencing length of stay. (pp.28-33)	PARTIAL: Discrimination Only This act would create a Homeless Bill of rights in order to provide all residents with an equal opportunity to live in decent, safe and sanitary accommodations regardless of housing status.
BILL PURPOSE	This bill would develop a consumer-centered system of human rights-based principles and practices to ensure that educational, employment, and service programs are free from either conscious or inadvertent bias, discrimination, abuse, and harassment often levied against homeless individuals and families at shelters, meal sites, public and private agencies, on the street, and in any other places where homeless individuals may be found.	42 C.F.R. § 483.10; 42 C.F.R. § 483.15; 42 C.F.R. § 483.75; Civil Rights Act of 1964; RI Home Care Patient Rights (§ 23-17.16-2); RI Rights of Nursing Home Patients (§ 23-17.5-2); RI Health and Safety of Pupils/ Bullying (§ 16-21-34)	Results of RI homeless shelter operational/ compliance audit and critical incident analysis. (pp.28-33)	PARTIAL: Discrimination Only 34-37.1-2. Legislative intent. – (3) Concordant with this fundamental belief, no person should suffer unnecessarily or be subject to unfair discrimination based on his or her homeless status. It is the intent of this chapter to ameliorate the adverse effects visited upon individuals and our communities when the state's residents lack a home.
RIGHTS	Rights of homeless individuals, clients, or residents. No person's rights, privileges, or access to public or private services may be denied or abridged solely because he or she is homeless. Such a person shall be granted the same rights and privileges as any other citizen of this State. These rights include but are not limited to the following:	Bill of Rights for the Homeless Act (Illinois HB4116)	Organizational and Policy-level factors influencing length of stay. (pp.28-33)	34-37.1-3. Bill of Rights. – No person's rights, privileges, or access to public services may be denied or abridged solely because he or she is homeless. Such a person shall be granted the same rights and privileges as any other resident of this state. A person experiencing homelessness:
1.	The right to receive safe, appropriate, courteous, and high quality care, shelter, and services in a timely manner with consideration, dignity, respect, and equality by all.	42 C.F.R. § 483.10; 42 C.F.R. § 483.15; RI Home Care Patient Rights (§ 23-17.16-2); RI Rights of Nursing Home Patients (§ 23-17.5-2; §23-17-19.1)	See operational audit (pp. 64-71), "Substandard" audit results (p. 28), and analysis (pp. 29-31)	Not addressed
2.	The right to access emergency medical health services in any health care facility doing business in this State in a timely manner with consideration, dignity, respect, and equality by all.	42 C.F.R. § 483.10; Civil Rights Act of 1964; Bill of Rights for the Homeless Act (Illinois HB4116)	Not observed in RI study, but observed in Texas	PARTIAL: Discrimination Only (4) Has the right to emergency medical care free from discrimination based on his or her housing status.
3.	The right to receive public services or accommodations offered to any other citizen of this State in accordance with established eligibility guidelines for those services.	RI Civil Rights of People with Disabilities Act; Bill of Rights for the Homeless Act (Illinois)	See Critical Incidents CI24 (p. 51) and CI33 (p. 53)	(2) Has the right to equal treatment by all state and municipal agencies, without discrimination on the basis of housing status.
*4.	The right to be free from discrimination on the basis of... housing status or perceived housing status by public and private entities, shelters, service providers and their staff or other clients or residents.	42 C.F.R. § 483.10; Civil Rights Act of 1964; RI Home Care Patient Rights (§ 23-17.16-2)	See Critical Incidents CI24 & CI27 (p. 51); CI33, CI34, CI35 (p. 53); and CI37, CI39, CI40 (p. 54)	PARTIAL: (2) Has the right to equal treatment by all state and municipal agencies, without discrimination on the basis of housing status.

*5.	The right to be free from threats or coercion; mental, emotional, verbal, or physical abuse; harassment, intimidation or bullying; stalking or cyberstalking; physical punishment; damage to or theft of property; or exploitation of any kind by public and private entities, shelters, service providers and their staff, or other clients or residents.	42 C.F.R. § 483.10; 42 C.F.R. § 483.13; RI Home Care Patient Rights (§ 23-17.16-2); RI Rights of Nursing Home Patients (§ 23-17.5-9); RI Abuse in Health Care Facilities (§ 23-17.8-1); RI Health and Safety of Pupils/ Bullying Policy (§ 16-21-34); RI Workplace Violence Protection (§ 28-52-2)	See operational audit (pp. 64-71), “Substandard” audit results (p. 28), and analysis (pp. 29-31)	PARTIAL: Property Only (7) Has the right to a reasonable expectation of privacy in his or her personal property to the same extent as personal property in a permanent residence.
6.	As a condition to receive services or shelter, the right to refuse being categorized or labeled with an addiction, mental illness, disability, or other health-related issues which occurred in the person's past but is inaccurate or inappropriate for describing his or her present emotional, mental, or physical health; and not to be subjected to discrimination, reprisal, or denial of shelter or services for doing so.	42 C.F.R. § 483.10; 42 C.F.R. § 483.15; 42 C.F.R. § 483.20; 42 C.F.R. § 483.102	See Critical Incidents CI1 (p.41), CI21 (p.49), & CI22 (p.50)	Not addressed
7.	The right to accept or refuse care and services and to be informed of the consequences of that action.	42 C.F.R. § 483.10; RI Home Care Patient Rights (§ 23-17.16-2); RI Licensing of Health Care Facilities (§23-17-19.1)	See Critical Incidents CI1 (p.41), CI21 (p.49), & CI22 (p.50)	Not addressed
8.	Any person denied products or services shall be offered the opportunity to be given the reason for such denial in writing within a reasonable period of time.		See Critical Incidents CI24 (p. 51); Ref: 1996 “Shelter Bill of Right’s” adopted by People to End Homelessness	Not addressed
9.	The right to not be coerced or penalized in any way for not taking any medication or for not undergoing any medical treatment that has not been authorized by a qualified physician.	42 C.F.R. § 483.20; 42 C.F.R. § 483.102; Bill of Rights for the Homeless Act (Illinois HB4116)	See Critical Incidents CI1 (p.41), CI21 (p.49), & CI22 (p.50)	Not addressed
10.	The right to access his or her own medications and appropriate medical treatment.	42 C.F.R. § 483.10		Not addressed
11.	The right to have access to his or her personal and clinical records.	42 C.F.R. § 483.10; RI Home Care Patient Rights (§ 23-17.16-2)		Not addressed
12.	The right to employment and training opportunities in accordance with his or her interests and abilities.	42 C.F.R. § 483.15; Bill of Rights for the Homeless Act (Illinois HB4116); RI Civil Rights of People with Disabilities Act	See Critical Incident CI27 (p. 51)	(3) Has the right not to face discrimination while seeking or maintaining employment due to his or her lack of permanent mailing address, or his or her mailing address being that of a shelter or social service provider.
13.	The right to vote, which may not be denied solely based upon the person's	Bill of Rights for the Homeless Act (Illinois		(5) Has the right to vote, register to vote, and receive documentation

	housing status, notwithstanding any provision of the Election Code.	HB4116)		necessary to prove identity for voting without discrimination due to his or her housing status.
14.	The right to live in any community in this State in which he or she can afford to live.	Civil Rights Act of 1964; Bill of Rights for the Homeless Act (Illinois HB4116)	See Critical Incidents CI31 (p. 52); CI33, CI34, CI35 (p.53); and CI37, CI39, CI40 (p. 54)	34-37-1. Finding and declaration of policy. – (b) It is hereby declared to be the policy of the state to assure to all individuals regardless of... housing status, equal opportunity to live in decent, safe, sanitary, and healthful accommodations anywhere within the state in order that the peace, health, safety, and general welfare of all the inhabitants of the state may be protected and insured.
15.	The right to choose a type of living arrangements in accordance with local regulations without harassment or interference from any other citizen or from any public or private entity.	Civil Rights Act of 1964; Bill of Rights for the Homeless Act (Illinois HB4116)	See Critical Incidents CI31 (p. 52); CI33, CI34, CI35 (p.53); and CI37, CI39, CI40 (p. 54)	Not addressed
16.	The right of visitation with clergy and professional or public consultants notwithstanding the person's living arrangements, as long as the visitation does not interfere with the smooth operation of the person's place of residence.	42 C.F.R. § 483.10; RI Rights of Nursing Home Patients (§ 23-17.5-12); Bill of Rights for the Homeless Act (Illinois HB4116)		Not addressed
*17.	The right to manage his or her own personal finances notwithstanding his or her living arrangements...	42 C.F.R. § 483.10; RI Rights of Nursing Home Patients (§ 23-17.5-15); Bill of Rights for the Homeless Act (Illinois HB4116)	Beyond scope of study—received reports of shelter staff becoming the payee for SSI/SSDI checks for a kickback	Not addressed
18.	The right to have his or her personal and clinical records treated and maintained in a confidential manner and to be advised by the agency of its policies and procedures regarding disclosure of personal and clinical records. Homeless shelters shall obtain a voluntary written release from a homeless person prior to disclosing any personal information regarding the homeless person, including, but not limited to, name, social security number, and birth date, except in aggregate form. The right to confidentiality of records includes the dissemination of materials to other agencies, either private or public, for any experimental research or investigational activities...	42 C.F.R. § 483.10; RI Home Care Patient Rights (§ 23-17.16-2); RI Rights of Nursing Home Patients (§ 23-17.5-7; § 23-17.5-14; §23-17-19.1); Bill of Rights for the Homeless Act (Illinois HB4116)	See operational audit (pp. 65-72), audit results scoresheet (p. 28), and analysis (pp. 29-31)	(6) Has the right to protection from disclosure of his or her records and information provided to homeless shelters and service providers to state, municipal and private entities without appropriate legal authority; and the right to confidentiality of personal records and information in accordance with all limitations on disclosure established by the Federal Homeless Management Information Systems, the Federal Health Insurance Portability and Accountability Act, and the Federal Violence Against Women Act.
19.	A person shall not be required to waive these rights, via a release of information, in exchange for the goods or services of the provider.	42 C.F.R. § 483.12	Ref: 1996 "Shelter Bill of Right's" adopted by People to End Homelessness	Not addressed
20.	Clients' or residents' rights shall be conspicuously posted and a copy of these	42 C.F.R. § 483.10; RI Rights of Nursing	See operational audit item #71 and 74	Not addressed

	rights shall be given to any client or resident upon request.	Home Patients (§ 23-17.5-4 & § 23-17.5-20); RI Abuse in Health Care Facilities (§ 23-17.8-1)	(p.71)	
21.	The right to assistance in obtaining legal representation to protect these rights.	RI Rights of Nursing Home Patients (§ 23-17.5-12)		Not addressed
22.	The right to voice his or her grievances through a documented grievance mechanism established by the shelter, meal site, or service provider.	42 C.F.R. § 483.10; RI Home Care Patient Rights (§ 23-17.16-2); RI Rights of Nursing Home Patients (§ 23-17.5-8)	See operational audit (pp. 65-72) and audit results scoresheet (p. 28)	Not addressed
23.	The right to voice grievances regarding treatment or care that is (or fails to be) furnished, or regarding the lack of respect for the client or resident or the client's or resident's property by anyone who is furnishing services on behalf of a shelter, meal site, or service provider.	42 C.F.R. § 483.10; RI Home Care Patient Rights (§ 23-17.16-2); RI Rights of Nursing Home Patients (§ 23-17.5-8)		Not addressed
24.	When a person has presented to a shelter, meal site, or service provider an internal complaint alleging a violation of the rights under this chapter, the shelter, meal site, or service provider shall be required to disclose in a timely manner in writing to that client or resident the disposition of the complaint, including a description of any action taken in resolution of the complaint, provided however no other personnel information shall be disclosed to the complainant.	42 C.F.R. § 483.10; 42 C.F.R. § 483.12; RI Home Care Patient Rights (§ 23-17.16-2)	See operational audit (pp. 65-72) and audit results scoresheet (p. 28)	Not addressed
25.	Housing status or perceived housing status shall be added as a protected class in the State's statutes regarding: Fair Employment Practices, Harassment at Institutions of Higher Education, Hotels and Public Places, and Fair Housing Practices.	Civil Rights Act of 1964; RI Fair Employment Practices; RI Harassment at Institutions of Higher Education; RI Hotels and Public Places; RI Fair Housing Practices; RI Civil Rights of People with Disabilities Act	See operational audit (pp. 65-72), audit results scoresheet (p. 28), and analysis (pp. 29-31)	PARTIAL (1) Has the right to use and move freely in public spaces... without discrimination on the basis of his or her housing status; (3) Has the right not to face discrimination while seeking or maintaining employment ... 34-37-1. Finding and declaration of policy. – (b) It is hereby declared to be the policy of the state to assure to all individuals regardless of... housing status, equal opportunity to live in decent, safe, sanitary, and healthful accommodations...

† King, S. J. (2011). Power in Homeless Shelter Staff-Client Interactions: Influence on Length of Stay. Retrieved from <http://strongfamiliesnow.org/documents/Homeless-Study-Working-Paper.pdf>

* In the original proposal, Rights (4) and (5) were combined as Right (4) and Right (17) had a companion Right (18), which was removed in a later revision.