

House Bill 3122

Sponsored by Representative DEMBROW

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Oregon Homeless Bill of Rights. Makes violation unlawful practice enforceable by Commissioner of Bureau of Labor and Industries.

A BILL FOR AN ACT

1
2 Relating to rights of homeless persons.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Sections 2 to 6 of this 2013 Act are added to and made a part of ORS chapter**
5 **659A.**

6 **SECTION 2. Sections 3 to 6 of this 2013 Act shall be known and may be cited as the**
7 **“Oregon Homeless Bill of Rights.”**

8 **SECTION 3. (1) The Legislative Assembly finds that many persons in Oregon have experi-**
9 **enced homelessness as a result of economic hardship, a shortage of safe and affordable**
10 **housing, the inability to obtain gainful employment and a disintegrating social safety net**
11 **system.**

12 **(2) It is declared to be the public policy of Oregon to guarantee individuals experiencing**
13 **homelessness, to the fullest extent possible, participation in the social and economic life of**
14 **this state, remunerative employment, use and enjoyment of public places and places of public**
15 **accommodation, participation in and receipt of the benefits of the services, programs and**
16 **activities of state and local governments and housing accommodations of the individual's**
17 **choice without discrimination on the basis of the individual's housing status.**

18 **SECTION 4. As used in sections 3 to 6 of this 2013 Act:**

19 **(1)(a) “Homelessness” means lacking a decent, safe, stable and permanent place to live**
20 **that is fit for human habitation.**

21 **(b) “Homelessness” includes living outdoors or in cars.**

22 **(2) “Housing status” means an individual's status as having or not having a fixed or**
23 **regular place to live, whether permanent or temporary, including experiencing homelessness,**
24 **living in a homeless shelter or living in temporary accommodations provided by a social**
25 **service provider.**

26 **(3) “Local government” has the meaning given that term in ORS 174.116.**

27 **(4) “Place of public accommodation” has the meaning given that term in ORS 659A.400.**

28 **(5) “Public place” means any enclosed area open to the public.**

29 **(6) “State government” has the meaning given that term in ORS 174.111.**

30 **SECTION 5. (1) It is the intent of the Legislative Assembly that the privileges, immuni-**
31 **ties, rights and benefits granted by statute, administrative or court rule, policy, common law**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 or any other law to any person who is a resident of this state shall be granted on equivalent
2 terms, substantive and procedural, to individuals experiencing homelessness.

3 (2) An individual experiencing homelessness has the following rights:

4 (a) To use, enjoy and move freely in public places and places of public accommodation,
5 including but not limited to public sidewalks, public parks, public transportation and public
6 buildings, in the same manner as any other person and without discrimination on the basis
7 of housing status except as otherwise provided in ORS 203.077 to 203.081.

8 (b) To receive equal consideration and treatment by state government and local govern-
9 ment without discrimination on the basis of housing status.

10 (c) To seek and maintain employment without discrimination on the basis of housing
11 status or the lack of a permanent mailing address or for having a mailing address that is the
12 address of a homeless shelter or social service provider.

13 (d) To receive emergency and regular medical care without discrimination on the basis
14 of housing status.

15 (e) To vote, register to vote and obtain documentation necessary to prove the person's
16 identity for purposes of voting or registering to vote without discrimination on the basis of
17 housing status.

18 (f) To maintain the confidentiality of the individual's personal, financial and medical in-
19 formation, including but not limited to records and information provided to homeless shel-
20 ters and social service providers, except as authorized by the individual or pursuant to some
21 other appropriate legal authority, and in accordance with all limitations on disclosures es-
22 tablished by federal Homeless Management Information System regulations, 24 C.F.R. parts
23 91, 576, 580 and 583, the federal Health Insurance Portability and Accountability Act of 1996
24 (P.L. 104-191) and the Violence Against Women Act (42 U.S.C. 13925 et seq.).

25 (g) To have a reasonable expectation of privacy in the person's personal property without
26 discrimination on the basis of housing status.

27 **SECTION 6.** (1) It is an unlawful practice for any person to deny, refuse, restrict or
28 withhold from an individual because of the individual's housing status any of the rights
29 contained in section 5 of this 2013 Act.

30 (2) Complaints alleging a violation of section 5 of this 2013 Act may be filed by the
31 aggrieved person, or by a person lawfully acting on behalf of the aggrieved person, with the
32 Commissioner of the Bureau of Labor and Industries in the manner provided by ORS
33 659A.820. The commissioner shall enforce section 5 of this 2013 Act in the manner provided
34 in ORS chapter 659A regarding other unlawful practices.

35 (3) Violation of section 5 of this 2013 Act subjects the violator to the civil remedies and
36 penalties provided in ORS chapter 659A.

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