

HOUSE BILL NO. 4197

March 11, 2025, Introduced by Reps. Dievendorf, B. Carter, Rheingans, Byrnes, Hope, Breen, Hoskins, Pohutsky, Wegela and Longjohn and referred to Committee on Government Operations.

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.

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

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

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

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

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

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

1 (c) The right to freedom from discrimination in employment
2 because of the lack of a permanent mailing address or having a
3 mailing address that is a shelter or social service provider.

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

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

10 (f) The right to protection from disclosure to state,
11 municipal, or private entities without appropriate legal authority
12 of the individual's records or information that was provided to a
13 homeless shelter or service provider; and the right to
14 confidentiality of personal records and information in accordance
15 with all limitations on disclosure established by requirements
16 under a federal homeless management information system, the health
17 insurance portability and accountability act of 1996, Public Law
18 104-191, or the violence against women act of 1994, Public Law 103-
19 322.

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

23 (h) If the individual is a homeless youth, the right to be
24 enrolled in school without delay or discrimination because of
25 housing status.

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

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

1 in a public place:

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

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

4 (iii) The removal of personal belongings.

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

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

14 Sec. 6. A local unit of government may designate an area
15 within the local unit of government as a safe outdoor space for
16 individuals experiencing homelessness.

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

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

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