

2014 -- H 7679

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO HUMAN SERVICES - HOMELESS BILL OF RIGHTS

Introduced By: Representatives Tomasso, Slater, Lombardi, Cimini, and Ajello

Date Introduced: February 27, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 40 of the General Laws entitled "HUMAN SERVICES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 17.1

4 PROTECTION OF HOMELESS

5 **40-17.1-1. Legislative findings.** – The general assembly hereby finds the following:

6 (1) That all homeless persons have the right to homeless shelter services regardless of
7 political or religious beliefs, immigration status, former geographic location of residence, ethno-
8 cultural background, disability, gender identity, criminal background, and/or sexual orientation;

9 (2) That no shelter should charge a fee nor expect and/or require compensation from
10 clients/residents for any services rendered;

11 (3) Homeless shelters should provide an atmosphere of dignity and respect for all shelter
12 residents, and provide services in a non-judgmental manner;

13 (4) That shelter residents are capable of moving toward increasing levels of self-reliance
14 and self-determination and therefore shelter staff should work with residents to assist them in
15 achieving their goals;

16 (5) Homeless shelters should be sensitive to the ethno-specific and linguistic needs of
17 residents;

18 (6) Service providers need to accept gender identity as defined by the individual rather
19 than by the perception of staff and/or other residents;

1 (7) Protecting the privacy and confidentiality of shelter residents and their personal
2 information is of the utmost importance and in accordance with chapter 34-37.1 of the state's
3 Homeless Bill of Rights law;

4 (8) That all people staying in homeless shelters should have access to safe and nutritious
5 food;

6 (9) That the health and safety of shelter residents, volunteers, and staff is of the highest
7 importance in each shelter;

8 (10) That issuing restrictions of residents services in the shelter system must be done only
9 as a last resort and in the most serious cases;

10 (11) That everyone is entitled to shelter services whether or not they use substances and
11 service policies should not be based on substance use alone, except for those shelters operating on
12 an abstinence or recovery model basis;

13 (12) Shelter residents should be involved in service provision, program planning,
14 development and evaluation, and policy development for the shelter;

15 (13) Homeless shelters that include children and youth should provide support and
16 activities and ensure that school related recreation and treatment needs of resident children are
17 met on site or through community based services;

18 (14) Homeless shelters should afford an opportunity for children and youth with
19 developmental and/or physical disabilities to develop to their full potential within an environment
20 where they can interact and socialize with other children;

21 (15) That shelters are part of a larger network of homeless services and agencies and
22 collaboration within this network is important to ensure effective and coordinated services;

23 (16) That notification of shelter closure (either emergency or permanent shelter) should
24 be done as soon as the provider is aware of the potential closure and posted in a common area,
25 and the provider should notify their residents as well as the office of housing and community
26 development (OHCD); and

27 (17) That all shelters should utilize the Rhode Island homeless information management
28 system (HMIS) database, and make entries in a timely manner.

29 **40-17.1-2. Powers and duties.** – The housing resources commission pursuant to chapter
30 42-128 together with the director of human services shall establish and promulgate regulations for
31 the safe, effective, and proper operation of homeless shelters for individuals and families in the
32 state of Rhode Island and shall further establish a commission to draft and/or amend regulations
33 for homeless shelters.

34 **40-17.1-3. Protection of Homeless Commission.** – (a) Within the department of human

1 services there shall be an advisory commission consisting of nine (9) qualified electors of the
2 state who shall be appointed by the speaker of the house of representatives as provided in this
3 section and who shall review and/or amend the rules and regulations relative to the homeless
4 when such amendments are necessary to protect the homeless interests. The commission shall
5 consist of:

- 6 (1) One homeless or formerly homeless person;
- 7 (2) Two (2) representatives of the Rhode Island homeless advocacy project;
- 8 (3) One representative of the Rhode Island coalition for the homeless;
- 9 (4) Four (4) homeless shelter providers operating a shelter for individuals or families; and
- 10 (5) One representative from the Rhode Island office of housing and community
11 development. The committee will elect a chair or co-chairs from among the membership.

12 (b) The commission shall report its findings and/or recommendations annually to the
13 speaker of the house.

14 (c) The commission shall have the duty of defining and promulgating the characteristics
15 of a homeless shelter that will be subject to the regulations and standards established by this act.

16 (d) The commission shall formulate regulations and standards to address the following
17 topics and areas of concern:

18 (1) Baseline organizational standards that any agency operating a homeless shelter must
19 meet;

20 (2) Access to shelter guidelines, including admission and discharge, bed registration,
21 substance abuse, and service restrictions (barrings);

22 (3) Resident's rights and responsibilities, including resident input, complaints and
23 appeals, and grievance procedures;

24 (4) Program standards including the provision of essential services, counseling supports,
25 daytime access, confidentiality, sharing of resident information, safeguarding resident files, and
26 staff code of conduct;

27 (5) Health and safety standards including basic health and safety protocols, the safeguard
28 of, and access to, resident medication, a policy on weapons, and requirements for staff training on
29 health and safety issues; and

30 (6) Emergency and winter shelter standards including the definition of inclement weather
31 events, in all seasons, that trigger requirements for homeless shelters to stay open for the
32 protection of residents.

33 **40-17.1-4. Application.** – This act shall not supercede any existing general law, public
34 law, rule or regulation afforded to the homeless but shall be applied to liberally to augment the

1 [rights of the homeless and provide a guideline for homeless residents rights and responsibilities.](#)

2 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HUMAN SERVICES - HOMELESS BILL OF RIGHTS

- 1 This act would create the Protection of Homeless Act designed to provide various rights
- 2 for homeless persons and set certain standards for homeless shelters.
- 3 This act would take effect upon passage.

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