STATE OF NEW YORK

4885

2025-2026 Regular Sessions

IN SENATE

February 13, 2025

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil rights law, in relation to establishing a bill of rights for unhoused persons

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "bill of rights of the unhoused".

§ 2. Article 10 and sections 100 and 101 of the civil rights law, as renumbered by chapter 263 of the laws of 2019, are renumbered article 11 and sections 110 and 111, and a new article 10 is added to read as follows:

ARTICLE 10

BILL OF RIGHTS OF THE UNHOUSED

Section 100. Definitions.
101. Bill of rights of the unhoused.
102. Bill of benefits of the unhoused.
103. Mechanisms.
104. Remedies.

§ 100. Definitions. For the purposes of this title, the following terms shall have the following meanings:

1. "Homeless" shall mean an undomiciled household which is unable to secure permanent and habitable housing without special assistance, including but not limited to households temporarily residing in emergency shelters, transitional facilities, hotels/motels, or substandard conditions.

2. "Household" shall mean a single individual or family, including couples without dependent children.

§ 101. Bill of rights of the unhoused. No person shall have the following rights denied or abridged as the result of their being in a state of homelessness, nor shall they be harassed, cited, fined, or

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD09610-01-5

arrested by law enforcement, security personnel, public employees, or private citizen for the exercise of the following rights:

(a) the right to use of and free movement in public spaces including sidewalks, parks, transportation services, and buildings without harassment or intimidation from law enforcement officers;

(b) the right to receive medical and dental care for preventative, clinical, rehabilitative, interventional, and emergency purposes, including care intended to maintain or improve mental hygiene, or intended to assist in escape from addiction or treat conditions related to substance abuse;

(c) the right to occupy a legally owned motor vehicle or recreational vehicle legally parked on public property;

(d) the right to solicit, share, accept, or offer food, drink, money, or other donations in public spaces;

(e) the right to vote at their local polling place, to register to vote, and to receive documentation necessary to prove identity for voting without discrimination due to the lack of a permanent address;

(f) the right not to face discrimination while seeking housing due to the lack of a permanent address;

(g) the right to have their records and personal information protected from disclosure without appropriate legal authority, including information provided to homeless shelters and service providers to state, municipal, and private entities, in accordance with limitations on disclosure established in all other federal and state laws regulating personal information;

(h) the right to reasonable privacy in their personal property while residing in temporary shelter or a public space to the same extent as would apply to personal property in a permanent residence; inasmuch as this right does not prohibit reasonable searches pursuant of posted rules or conducted in accordance with the law;

(i) the right to equal treatment by state and municipal agencies, including but not limited to public libraries, police, public transport agencies, emergency medical services, county, city, town and village halls and the state offices, agencies or departments;

(j) the right not to face discrimination while seeking or maintaining employment due to the lack of a permanent mailing address, or due to their mailing address being that of a shelter or social service provider, or otherwise due to the knowledge of belief that they are experiencing homelessness; and

(k) the right to receive protection from law enforcement officers against any mistreatment, abuse, threats, or debasing or discriminatory acts.

§ 102. Bill of benefits of the unhoused. Persons experiencing homelessness are also assured the right to the following benefits and services:

(a) the right to free provision of a postal address; and

(b) the right to access to juridical services to ensure protection from the violation of any of their protected rights;

§ 103. Mechanisms. 1. A pamphlet detailing the above rights and benefits shall be made available online by the office of temporary and disability assistance in English and the eight most common non-English languages spoken by individuals with limited-English proficiency in New York state as based on the most recent census. Designated shelters for the homeless as defined by section 41.47 of the mental hygiene law, drop-in centers as defined by section 21-145 of the administrative code of the city of New York, and transitional housing services shall

distribute this pamphlet in the appropriate language to the persons to whom they provide services.

2. The division of human rights shall oversee the provision of legal services to those persons experiencing homelessness or having experienced homelessness in the past in regard to potential violations of the rights and benefits prescribed in this article.

§ 104. Remedies. Any person or entity aggrieved by a violation of the protections created by this article shall have the right to bring an action or special proceeding in a court of appropriate jurisdiction to seek damages and/or declaratory and injunctive relief or any other remedies as provided by law with respect to such violation. A prevailing plaintiff may be entitled to an award of costs and attorney's fees.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.