



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: April 5, 2022

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Terri Hancharick, Chairperson *TH*
State Council for Persons with Disabilities

RE: H.B. 235 (Homeless Bill of Rights)

The State Council for Persons with Disabilities (SCPD) has reviewed H.B. 235 which would create the Bill of Rights for Individuals Experiencing Homelessness to ensure that all individuals, regardless of housing status, have equal opportunity to live in decent, safe, sanitary, and healthful accommodations and enjoy equality of opportunities. SCPD endorses the proposed legislation, but also recommends adequate outreach and support that may be necessary for individuals with disabilities to exercise their rights under this legislation. SCPD has the following observations.

Under this legislation, an individual experiencing homelessness is ensured the same rights and privileges as any other resident including the right to:

- (1) To use and move freely in public spaces, including public sidewalks, public parks, public transportation, and public buildings, in the same manner as any other individual and without discrimination on the basis of the individual's housing status.
- (2) Not to face discrimination by a State, county, or municipal agency.
- (3) Not to face discrimination while seeking or maintaining housing due to the individual's lack of a permanent address, the individual's address being that of a

shelter or social service provider, or the individual's housing status. This right does not, however, entitle an individual facing eviction to a truncated or expedited housing application process that might limit consideration of the reason for eviction in an evaluation of the individual's reliability as a tenant, nor does it prohibit a shelter from establishing and adhering to a policy relating to a maximum length of stay for an individual in that shelter.

(4) Not to face discrimination while seeking temporary shelter because of race, color, religion, creed, age, gender, sexual orientation, gender identity, marital status, familial status, disability, national origin, or housing status, except in the case of temporary shelters specifically designated for a specific gender or familial status, or in the case of funding sources that require certain populations be served. This right does not introduce any new requirement with regard to the obligation of shelters or other providers to update their facilities or provide new accommodations.

(5) To medical and dental care, free from discrimination based on the individual's housing status.

(6) To vote, register to vote, and receive documentation necessary to prove identity for voting without discrimination due to the individual's housing status. This right may not, however, be construed to require a temporary shelter to accept documents on that individual's behalf.

(7) To protection from unlawful disclosure of the individual's records and information provided to temporary shelters, service providers, and State, county, municipal, and private entities, including the right to confidentiality of personal records and information in accordance with all limitations on disclosure established by the Delaware.

An individual who alleges discrimination based on any of the protections listed has the right to file a complaint in writing with the Division of Human Relations within 90 days of the discriminatory practice. The Division then conducts an investigation within 120 days. The matter is resolved by conciliation, referral to the attorney general, or a public hearing before a panel appointed by the State Human Relations Commission. The law outlines the relief sought before the panel which can include monetary damages of one to fifteen thousand dollars based on the prior claims of discrimination against the respondent or, if the claim leads to intervention by the Attorney General, the Attorney General will seek appropriate relief through the courts.

The rights in the proposed legislation guarantee it will impact individuals with disabilities. All individuals experiencing homelessness are vulnerable, individuals with disabilities are especially so. One particularly vulnerable subpopulation are individuals experiencing chronic homelessness. Chronic homelessness is defined by

HUD as an individual with a disabling condition who has either: 1) Experienced homelessness for longer than a year, during which time the individual may have lived in a shelter, Safe Haven, or a place not meant for human habitation; or 2) experienced homelessness four or more times in the last three years.

Nationwide, nineteen (19) percent of the homeless population experiences chronic homelessness and Delaware generally follows this national trend.¹ Individuals experiencing chronic homelessness often need intensive services and supports to exit homelessness and remain stably housed, and are more likely than other subpopulations to experience unsheltered homelessness and discrimination based on their status. Therefore, this additional protection from discrimination based on housing status will have a positive impact on all individuals experiencing homelessness, including those with disabilities.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position, observations, or recommendations on the proposed legislation.

cc: Ms. Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 235 [Homeless Bill of Rights (4-5-22)]

¹ Due to the lack of an unsheltered count in 2021, Delaware only counted 195 people (8%) who were experiencing chronic homelessness. This is compared to 267 people (23%) were experiencing chronic homelessness on the night of the PIT in 2020 which included an unsheltered count. See Housing Alliance Delaware's 2021 Report "Housing and Homelessness in Delaware: Crisis to Recovery." <https://www.housingalliancede.org/housing-alliance-publications>