



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4116

Introduced 1/15/2004, by Wyvetter H. Younge

SYNOPSIS AS INTRODUCED:

New Act

Creates the Bill of Rights for the Homeless Act. Sets forth certain rights of homeless persons, including the right to live in any community in the State, the right to choose living arrangements, and the right to employment and training opportunities. Directs the Department of Human Rights to monitor and enforce homeless persons' rights, and provides criminal penalties for violations of those rights. Authorizes the Department of Commerce and Economic Opportunity to establish priorities of eligibility for temporary rental or other housing assistance among the various categories of persons needing assistance in obtaining or retaining housing.

LRB093 16254 DRJ 41888 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to homeless persons.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Bill
5 of Rights for the Homeless Act.

6 Section 5. Legislative intent. It is the long-standing
7 policy of this State that no person should suffer unnecessarily
8 from cold or hunger, or be deprived of shelter or the basic
9 rights incident to shelter. At the present time, many persons
10 have been rendered homeless as a result of economic adversity,
11 a severe shortage of affordable housing, and increased stress
12 due to the complexity of daily living that has created an
13 inability on the part of those persons to interact in society.
14 It is the intent of this Act to lessen the adverse affects and
15 conditions caused by the lack of residence or a home.

16 Section 10. Bill of Rights.

17 (a) No person's rights, privileges, or access to public
18 services may be denied or abridged solely because he or she is
19 homeless. Such a person shall be granted the same rights and
20 privileges as any other citizen of this State. These rights
21 include but are not limited to the following:

22 (1) The right to live in any community in this State in
23 which he or she can afford to live.

24 (2) The right to choose a type of living arrangements
25 in accordance with local regulations without harassment or
26 interference from any other citizen or from any public or
27 private entity.

28 (3) The right to employment and training opportunities
29 in accordance with his or her interests and abilities.

30 (4) The right to access to emergency medical health
31 services in any health care facility doing business in this

1 State.

2 (5) The right to manage his or her own personal
3 finances notwithstanding his or her living arrangements,
4 unless (i) the person voluntarily signs a written
5 agreement, sworn to and witnessed before a notary public,
6 authorizing an individual or agency to manage his or her
7 finances, (ii) the person resides in a shelter for homeless
8 persons and has enrolled in a savings program designed to
9 provide rent money upon the person's departure from the
10 shelter, or (iii) the person has been ruled or adjudicated
11 by a court of competent jurisdiction to be incompetent to
12 manage his or her financial affairs.

13 (6) The right to not be coerced or penalized in any way
14 for not taking any medication or for not undergoing any
15 medical treatment that has not been authorized by a
16 qualified physician.

17 (7) In the case of a group living arrangement or
18 long-term care facility, the right to receive and sign any
19 check, voucher, or other warrant or legal tender issued in
20 his or her name before the moneys may be expended by the
21 person's landlord or a public or private agency, unless the
22 person waives the right in a writing sworn to before a
23 notary public. If the person is unable to sign his or her
24 name, the person may make his or her signature with an "X"
25 that is witnessed by 2 other persons not employed or
26 directly associated with the landlord or agency,
27 preferably a relative or guardian of the person or someone
28 designated by the person beforehand.

29 (8) The right to vote, which may not be denied solely
30 because the person does not have a permanent residence.

31 (9) The right of visitation with family members,
32 friends, clergy, and professional or public consultants
33 notwithstanding the person's living arrangements, as long
34 as the visitation does not interfere with the smooth
35 operation of the person's place of residence.

36 (10) The right to receive public services or

1 accommodations offered to any other citizen of this State
2 in accordance, with established eligibility guidelines for
3 those services.

4 (11) The right to confidentiality of records. Homeless
5 shelters shall obtain a voluntary written release from a
6 homeless person prior to disclosing any personal
7 information regarding the homeless person, including, but
8 not limited to, name, social security number, and birth
9 date, except in aggregate form. The right to
10 confidentiality of records includes the dissemination of
11 materials to other agencies, either private or public. The
12 homeless person shall be given the option of whether to
13 release records via informed consent, based on guidelines
14 from the Office of Human Research Protections, United
15 States Department of Health and Human Services, including:

16 (A) the expected duration of the subject's
17 participation;

18 (B) an explanation of whom to contact for answers
19 to pertinent questions about the research and research
20 subjects' rights, and whom to contact in the event of a
21 research-related injury to the subject;

22 (C) a statement that participation in releasing
23 records is voluntary, refusal to participate will
24 involve no penalty or loss of benefits to which the
25 subject is otherwise entitled, and the subject may
26 discontinue participation in the record release at any
27 time without penalty or loss of benefits to which the
28 subject is otherwise entitled;

29 (D) a description of any reasonably foreseeable
30 risks or discomforts to the subject; and

31 (E) a statement describing the extent, if any, to
32 which confidentiality of records identifying the
33 subject will be maintained.

34 (b) The Department of Human Rights shall monitor and
35 enforce the rights of homeless persons set forth in subsection
36 (a). The Department may designate one or more local health

1 departments or local health officers to monitor and enforce
2 those rights.

3 Section 15. DCEO; housing assistance. The Department of
4 Commerce and Economic Opportunity may establish priorities of
5 eligibility for temporary rental or other housing assistance
6 among the various categories of persons needing assistance in
7 obtaining or retaining housing, including, without limitation,
8 persons subject to immediate eviction for nonpayment of rent or
9 subject to foreclosure for nonpayment of mortgage installments
10 or property taxes, when nonpayment is attributable to illness,
11 unemployment, underemployment, or any other failure of lack of
12 resources beyond the person's control.