

Amendments Proposed 1264 Redacted April 2015

italics and bulleted points are referenced

- *speaking to this subject call this "People Living in Public Places," because it is expansive and inclusive.*

HB 151264 Amendments and possible Amendments Page 1 line 101 and 102
Change title of bill from "Concerning the Creation of a Bill of Rights for Persons Experiencing Homelessness" to "Concerning the Protection of Right of Persons Experiencing Homelessness" (approved by sponsors 3/11)

Page 2 between line 10 and 13 Add note of mental health and homelessness in this section. Could be something like "the shortage of health and mental health care..." (discussed at stakeholders meeting 4/1)

addition:

- *"to note special provisions for training all personnel who interact and come into contact with people who are in public places who may or may not have a mental health disease or exhibit such behavior due to circumstances or behavioral health challenges."*

Page 4 lines 11 to 15 Change definition of harassment to include more low-level contact, such as being told to move along in a nonaggressive way... Or could add another word, which would also be included in Protected Rights section

- *"this clause leaves open for suits against all security personnel and in a later addendum to this it states that businesses would be exempt" It is mandatory that people who are living in public places be subject to the same care and respect as any other citizen and this would call into question the repeated practices of law enforcement personnel violating human rights by profiling and harassing people based on their socio-ethnic status."*

Page 5 line 15, such as displacement, contact, being told to move, interference... (discussed at stakeholders meeting 4/1)

• **other similar private rights to action. (discussed at stakeholders meeting 4/1)**

- ***That is a good idea since no business authority and subsidiary will adopt a measure that forces them to spend money for attorneys and fines for protecting private property and their influence will be far more vociferous if their rights in a free market economy are not recognized and clearly protected.***

I spoke with Vanessa Fenley and we agreed that it might be best to let this bill rest because there may not be enough time remaining in this session to allow the level of discourse needed to make solid recommendations and agree on language to improve the bill, especially given the diversity on the Homeward 2020 board.

We would offer to work alongside bill sponsors this summer to have that dialogue and develop recommendations and language that could be incorporated into a new bill come next legislative session.

I would add that if this year's bill does make it to the Senate, removing all civil rights of action beyond normal tort options (outrageous conduct etc.) would make a positive statement and removes some of the bill's contentious areas.

Thanks for reaching out to us on this bill and for the many ways you serve our community,

HB 1264 Homeless Bill of Rights: "Right to Rest"

Several salient points were made by representatives of the business community:

- ability to sue business owners on behalf of the plaintive was an obstacle
- language around "harassment" and what that meant
- civil actions against security guards and property owners being possible
- definition of private space
- whether they were opening up for other civil liabilities
- other legislation that follows a complaint
- everyone leases in malls and shopping centers potential liability
- "harassment" protected rights section line 15
- General Impact at a place like Union Station or the Downtown area on the 16th St. Mall.
- private right of control of their premises and the sidewalks
- potential for abuse
- Lying down in areas where the public is such as Union Station
- impact of visitors and shoppers
- college and university campuses where personnel patrol and operate for the benefit of the students and faculty
- mental health issues related to behaviors protecting all people
- at malls and shopping centers staying in vehicles overnight
- defining what are public spaces
- local control by home rule charter
- unintended consequences
- other alternative approaches
-

Concerning Creation of a Homeless Bill of Rights

2015

tags: Colorado, homeless persons

Here's the requested electronic version of the bill: http://www.leg.state.co.us/CLICS/CLICS2015A/csl.nsf/fsbillcont3/82156A746BE2EC4D87257DDC0057124D?Open&file=1264_01.pdf

CONCERNING THE CREATION OF A BILL OF RIGHTS FOR PERSONS EXPERIENCING HOMELESSNESS.

As the title of the Bill points out, it is about “Persons: “People” experiencing homelessness.

The summary of the Bill states: “The bill creates the “Colorado Right to Rest Act”, which establishes basic rights for persons experiencing homelessness.

I would argue that the Bill “protects” basic rights for persons experiencing homelessness.

Many of the practices and policies that punish the public performance of life-sustaining activities

by homeless persons violate the constitutional rights of homeless persons.

Punishments for sleeping outside have been challenged in courts for violating homeless

persons' civil rights.

Arresting homeless people for sleeping outside when no shelter space exists violates their

right to be free from cruel and unusual punishment.

Homeless persons' have the right to be free from unreasonable searches.

Faith-based or religious groups conducting feedings is an expression of their religious

beliefs, city restrictions on feedings is an unconstitutional burden on religious expression.

Violating people's right to be free from unreasonable searches and seizures is not a solution.

Sweeping people off the streets, or sweeping this issue under the rug is not a solution.

This Bill is designed to protect the basic rights of persons experiencing homelessness. It also defines who we are as a State and how we care for those who are most in need.

The basic question before us is our commitment to the protection of human dignity for all persons.

To paraphrase Dr. Martin Luther King: I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. Some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive.

I have a dream that one day this nation will rise up and live out the true meaning of its creed:

“We hold these truths to be self-evident; that all men are created equal.”

**Bill to invalidate Denver homeless
camping ban introduced in
Legislature**

Mar 5, 2015,

**16th street mall Enlarge Photo
Kathleen Lavine | Denver Business
Journal**

**Kay Scott, Corey Hilsenbeck and Chip
Tully are homeless and on Denver's
16th Street Mall.**

**Ed Sealoer
Reporter-**

**“Denver’s citywide camping ban — as
well as other cities’ laws restricting
where people can loiter, sit and sleep
on public property — would be
invalidated under a bill of rights for
homeless people that has been
introduced in the Colorado
Legislature.**

**House Bill 1264, sponsored by
Democratic Reps. Joe Salazar of
Thornton and Jovan Melton of**

Aurora, would allow persons experiencing homelessness to move about freely and rest in public spaces without discrimination, and let them eat or accept food in any public space where food is not prohibited.

Those who claim their rights have been violated under the bill could file a civil action against local governments and receive actual and compensatory damages of as much as \$1,000 per violation.

See Also

**Rise in Denver homeless thought to be associated with legal marijuana
Salazar said the bill targets local ordinances, such as Denver's citywide camping ban that was passed in 2012, that he feels have burdened the homeless and tried to push them to other cities.**

It is modeled after a similar law in Oregon and would overrule all local

laws under the premise that cities that pass such laws are forcing the homeless to other communities and making it a statewide problem, he said.

“We’re reaffirming the rights of homeless people,” Salazar said. “You can’t say that you’re taking care of or addressing the issue of homelessness by adopting laws that push homeless people to other areas.”

Denver’s citywide law drew much attention, especially after a number of businesses had complained about the increasing crowds of homeless who were panhandling or sleeping on the 16th Street Mall.

None of the sponsors or co-sponsors of HB 1264 represent the city of Denver.

Leaders from two different Front Range downtown organizations declined to comment on the bill on

Thursday, and a request for comment from the city of Denver was not returned in time for this story.

House Speaker Dickey Lee Hullinghorst, D-Gunbarrel, assigned the bill to the House State, Veterans and Military Affairs Committee.”

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A Matter of Statewide Interest

“By reviewing the policies and practices that prevent individuals from rising out of homelessness and by pursuing bold, innovative and collaborative solutions we can ensure that every Coloradan has a

place to call home.”

– Gov. John Hickenlooper

Pathways Home Colorado: Dedicated to the hope that future generations will not experience

homelessness. Created by Gov. John Hickenlooper’s Office and the Colorado Division of Housing,

Pathways Home Colorado promotes collaboration between business, faith, individual and foundation

partners to ensure that State resources are effectively directed to projects that have proven success in eliminating barriers to housing and services. Pathways Home Colorado is part of Colorado’s ongoing

efforts to replicate best practice models, support regional priorities and become more strategic in preventing and ending homelessness.

**CONCERNING THE CREATION OF A
BILL OF RIGHTS FOR PERSONS
EXPERIENCING**

**HOMELESSNESS. “The bill creates the
“Colorado Right to Rest Act”, which
establishes basic rights for**

persons experiencing homelessness.

**Practices that protect individual’s
rights by pursuing bold,**

**innovative and collaborative solutions
to ensure that every Coloradan has a
place to call home.”**

**The Metro Denver Homeless Initiative
conducts a point-in-time survey every
year to assess the**

**demographics of homelessness in our
community. The last survey was taken
in January of 2014 and**

**found that 5,812 individuals were
experiencing homelessness and 2,230
people were at-risk of**

homelessness in the Denver area. Additionally, 24% of the individuals surveyed were newly homeless, meaning they have been homeless less than a year and this is their first time to experience homelessness

The state of Colorado has been experiencing a rapid rise in homelessness. The homeless rate in the city of

Pueblo has ballooned by 75 percent since January 2014. Before January 2014, there were 1,720 homeless people; as of August 21, more than 3,000 people are reported homeless.

The massive influx has caused a non-profit group named Posada to seek assistance from the City Council, suggesting that free bus tickets be given out to send newly arrived homeless people to any destination

they desire. Anne Stattelmann, executive director of Posada, told a local news organization about the enormous increase in new homeless. “We see about 100 folks per day,” she said. “Generally we’ve been seeing six new families a day.”

So far in fiscal year 2013, Urban Peak Colorado Springs (UPCS) has served 478 youth experiencing

homeless throughout all of Urban Peak Colorado Springs’ programs and services, for a total of 28,820

services provided to youth by staff and volunteers.

Fort Collins’ homeless population is more than twice as large as the number of beds available through shelter programs every night. There are just under 200 beds for homeless individuals in Fort Collins; a

June survey of the homeless population counted 438 homeless people, including 344 individuals and 35 households.

For the 238-person surplus, finding a place to survive the night can be complicated, unstable and come with fines for illegal camping. For local businesses, city officials, service providers and community members, the surplus is perplexing and taxing as they struggle to find a solution for all.

It is a matter of statewide interest.