

HOUSE BILL 2430

By Stewart

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 21, relative to human rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 21, Part 1, is amended by adding the following as a new section:

4-21-103.

(a) No person or organization shall be prevented from offering compassionate aid to others in economic distress. No person's rights, privileges, or access to public services may be denied or abridged solely because of housing status. All, without respect to housing status, shall be granted the same rights and privileges as any other resident of this state, including:

(1) The right to provide religious services for those in public spaces, and the right of those in public spaces to pray, meditate, or practice religion in the same manner as any other person;

(2) The right to give food or water to others, and the right to eat, share, and accept food and water in public spaces;

(3) The right to give shelter or assist those in need by helping them find shelter, and where no affordable shelter can be found, the right to use, move freely, and rest in public spaces without harassment or intimidation in the same manner as other persons;

(4) The right to employment including sales on the street of legal products and services without burdensome insurance or other regulations provided such sale or service poses no significant danger or obstruction of traffic;

(5) The right to give and solicit donations in public spaces in the same manner as any other person;

(6) The right to set down or leave at rest personal property in public spaces without harassment as long as that personal property does not maliciously or substantially obstruct a passageway, or cause a public security threat. This includes the right to restitution for loss of property if improperly confiscated, damaged or destroyed;

(7) The right to equal treatment by all state and municipal agencies, including law enforcement agencies, without discrimination on the basis of housing status;

(8) The right to emergency medical care without discrimination, and in particular without discrimination based on a person's housing status;

(9) The right to give and receive bond without discrimination because of housing status;

(10) The right to demand a Breathalyzer or other appropriate test if arrested for public intoxication;

(11) The right to confidentiality of personal records and information without respect to housing status in accordance with all limitations on disclosure established by the federal Homeless Management Information Systems, the federal Health Insurance Portability and Accountability Act, and the federal Violence Against Women Act;

(12) The right to a reasonable expectation of privacy in a person's personal property to the same extent as personal property in a permanent residence, including but not limited to writings and communications;

(13) The right not to face discrimination due to a person's lack of permanent mailing address, or a person's mailing address being that of a shelter or social service provider;

(14) If the person is a child or youth, the right to state enforcement of the educational protections under the federal McKinney-Vento Act (42 U.S.C. § 11432), particularly with regard to §§ 11432(e)(3)(C)(ii)(I) and 11432(e)(3)(C)(ii)(II) of Title 42 of the United States Code, which provide that a school shall provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of school, and a school shall coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

(15) The right to vote, register to vote, and receive documentation necessary to prove identity for voting without discrimination due to a person's housing status;

(16) The right to rest, sleep, or use for the purposes of shelter any motor vehicle provided that it is legally parked on public property;

(17) The right of access to public restrooms;

(18) The right to engage in life-sustaining activity in public spaces;

(19) The right to use an email address in lieu of a physical address; and

(20) The right to legal counsel and attorney's fees. In any civil action alleging a violation of this section, the court may award appropriate injunctive and declaratory relief, damages, and reasonable attorney's fees and costs to a prevailing plaintiff.

(b) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(c) Each municipality shall post in the usual location for municipal notices a notice entitled "COMPASSIONATE ASSISTANCE / RIGHT TO EXIST" that contains the text of this section.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.