CITY of SPRINGFIELD

LAW DEPARTMENT

MEMORANDUM

PRIVILEGED AND CONFIDENTIAL COMMUNICATIONS

November 23, 2009

TO: Doug Burlison, Chair, and Members of the Plans and Policies Committee

FROM: Nancy K. Yendes, Assistant City Attorney

SUBJECT: Transient Bill of Rights

As you may recall, we have been considering taking some action to guarantee persons living within shelters some level of basic human dignity type services. With more persons, including families with children, living in shelter type residential arrangements, now may be a good time for the City to develop what some call a "transient bill of rights". In support of such an effort, I have researched what some other cities have done. The existence of a list of basic living standards that are to be provided by entities serving the homeless is not unusual. I suggest the following basic list of rights that any provider of residential services to the homeless would be required to provide within the City limits of Springfield, Missouri. Providers may also have rules they wish residents to follow. If this list is agreeable, it should be shared with known providers to determine if there will be a practical difficulty with providing any right on this list. After the input of the providers in the community, it would need to be adopted as an ordinance.

Suggested Transient Resident List of Rights:

1. The right to access mail and a telephone during normal business hours (8:00 am until 5:00 pm) in a private setting. This shall include the right to receive and send unopened mail.
2. The right to wear one's own clothes and hair in a style chosen by the resident and to keep one's own personal affects unless keeping same would create a danger to oneself or others.
3. The right to disclosure of the owner, operator and maintenance obligations of the facility.
4. Bathroom facilities, including bathing, that are separated by gender, and available 24 hours a day.
5. Transportation to and from social service agencies on a weekly basis (Schools for children, Employment Security, Family Services, medical professionals).
6. The ability to leave the facility at any time unless restriction of travel is required for a program the facility is participating in and receiving funds for.
7. The ability to practice one's religious beliefs unless admittance is limited to membership in the religion providing the services.
8. The right to privacy unless the honoring of privacy may create a danger to others. An entity may require a background check however to provide security to others. An entity must be able to maintain a secure and confidential place for files of residents.
9. The right to receive one's own medications and to take same as prescribed by one's physician.
10. The right to receive visitors in an area designated by the provider of the service. A visitor's area shall be provided away from other residents of the facility to protect the privacy of such other residents.
11. The right to have grievances against the staff and other residents heard in some manner by the facility.
12. The right to receive basic hygiene items upon entering a facility such a toothbrush, toothpaste and soap.
13. The right to be admitted regardless of age or gender unless the facility is established as a men's only or women's only facility. Children shall be allowed to be admitted with their parents.
14. The right to clean linens not used by another without washing or cleaning prior to use.

15. The right to a safety and evacuation plan that is shared at the time of admittance.
16. The right to receive safe, adequate and nutritious food if food is offered.
17. The right to have all forms and regulations explained at or near the time of admission.
18. The right to access to advocacy groups without interference by the provider.
19. The right to have a staff member of the provider present at all times at the facility.
20. The right to have all of the City of Springfield, Missouri health, safety and building codes being complied with at all times while a resident at the facility.
21. The right to be informed of the reason for discharge if the decision is not mutual.
22. The right to be free of discrimination based on race, ancestry, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability. Persons may be excluded for refusing to participate in the entire program for which the lodging or food is provided.
23. The right to not be charged for lodging or food unless the existence of the charge is made known prior to admission.

The list of rights should be prominently displayed at any facility providing lodging and food to the homeless together with any additional restrictions. This list was drawn from the following sources:

Governments: Bothwell, Washington; Toronto, Canada; Simcoe County, Canada; Santa Clare County, California; New Jersey (Salvation Army v. Department of Community Affairs of the State of New Jersey, 919 F.2d 183 (3rd Cir. 1990).

Advocacy Groups: Neoch, or Northeast Ohio Coalition for the Homeless; Homeless People's Network

Please let me know if you have any questions.