**Strong Families New Mexico County Roundtable**

**Policy Proposal**

**Proposal by:** Doña Ana Communities United

**Bill Title:** Right to Rest Act

**Bill Summary (1-3 sentences):** This homeless bill of rights affords persons experiencing homelessness the right to use public space without discrimination based on their housing status. This bill describes basic human and civil rights that may be exercised without being subject to criminal or civil sanctions or harassment.

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| **Issue in community that this bill will address:** |
| This bill guarantees rights to persons experiencing homelessness. A person whose rights have been violated may seek enforcement in a civil action and a court may award relief and damages as appropriate. This bill does not create an obligation for a provider of services for persons experiencing homelessness to provide shelter or services when none are available. This bill will, however, effectively redirect resources currently spent on law enforcement activities to activities that address the root causes of homelessness. |
| **Supporting statistics and stories about the issue:** |
| The United Nations has declared that not only do governments have an “immediate obligation to adopt and implement strategies to eliminate homelessness”, but also that they “must combat discrimination, stigma and negative stereotyping of homeless people as a matter of urgency and provide legal protection from discrimination because of social and economic situation, which includes homelessness.”1Homelessness often results from a combination of factors, including economic hardship, a shortage of safe and affordable housing, the inability to obtain gainful employment, a failed healthcare system, and a shrinking social safety net. Homelessness is an independent risk factor for a number of illnesses, making people more susceptible to increased health problems due to high stress, sleep deprivation, unsanitary surroundings, lack of access to hygiene facilities, and a myriad of other situational stressors experience by people without stable housing. People who are chronically homeless are three to four times more likely to die prematurely than their housed counterparts. People in Las Cruces who have experienced homelessness have shared poignant lived experiences of harassment by law enforcement, businesses, and members of the general public. Local ordinances that criminalize basic acts of survival do not reduce the incidence of homelessness or crime. Instead, they increase the financial indebtedness of people experiencing homelessness and make it harder for them to secure housing, employment, and medical care. These ordinances are often selectively enforced against people based upon their appearance or an assumption of homelessness and those individuals charged with crimes are often unable to secure adequate legal representation.  |

1 “Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context.” United Nations General Assembly, Human Rights Council, 30 December 2015. A/HRC/31/54. Accessed November 29, 2017. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/294/52/PDF/G1529452.pdf?OpenElement>. Page 12.

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| **The policy solution and ask to New Mexico decision makers:** |
| This legislation establishes that everyone in the state has the following basic human and civil rights:1. The right to use and to move freely in public spaces, without discrimination and without time limitations that discriminate based on housing status;
2. The right to rest in public spaces and to protect oneself from the elements, in a non-obstructive manner;
3. The right to eat, share, accept, or give food in any public space in which having food is not otherwise generally prohibited;
4. The right to occupy a motor vehicle or a recreational vehicle, provided that the vehicle is legally parked on public property or parked on private property with permission of the property owner; and
5. The right to a reasonable expectation of privacy of one’s personal property in public spaces to the same extent as personal property in a private residence or other private place.
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