
OLR Bill Analysis

sHB 7033

AN ACT PROHIBITING A MUNICIPALITY FROM IMPOSING ANY PENALTY ON HOMELESS PERSONS FOR PERFORMING ACTIVITIES OF DAILY LIVING ON PUBLIC LAND.

SUMMARY

The bill prohibits municipalities from enacting ordinances that infringe on the right of homeless people to use public spaces without discrimination based on their housing status. It also prohibits any person from taking any action that has the same effect. The bill specifies the protected activities and locations. For example, the bill broadly protects a homeless person's right to conduct activities of daily living (e.g., preparing food and seeking shelter from extreme weather) on public land (see below), if it does not create a hazard to pedestrians or traffic.

The bill also (1) imposes a civil penalty, fixed by the court, of \$50-100 per offense on any person or municipality that violates the bill's prohibitions and (2) requires the attorney general, upon an aggrieved person's request, to bring a civil action in Superior Court to recover the penalty.

The bill uses the same broad definition of "homeless person" that applies in federal laws on the Interagency Council on Homelessness and certain homelessness response programs. The term refers to, among others, people (1) who lack a fixed, regular, and adequate nighttime residence; (2) with a primary nighttime residence not designed for use as a regular sleeping place (e.g., car, park, and transit station); (3) who reside in a shelter or similar temporary living arrangement; or (4) imminently at risk of losing their housing. It also broadly includes children and domestic violence victims lacking stable housing.

EFFECTIVE DATE: July 1, 2025

PUBLIC LAND DEFINED

Under the bill, “public land” is (1) land a state or local government owns or leases in whole or in part and that is held open to the public; (2) land upon which there is an easement for public use and that is held open to the public; and (3) federal land where local law enforcement has jurisdiction to enforce local laws. The bill specifies that public land includes plazas, courtyards, parking lots, sidewalks, the outside area of public transportation facilities and services, public buildings, shopping centers, underpasses, and lands adjacent to roadways and parks. The bill specifically excludes “school grounds” but does not define the term.

(While the bill defines the term “public land,” it does not define the terms “public spaces,” “public places,” or “public property.”)

RIGHTS PROTECTED UNDER THE BILL

The specific rights the bill protects are listed below, including any parameters for exercising the right.

Activities of Daily Living

The bill specifies that the right to use public spaces (presumably, “public land”) free from discrimination based on housing status includes the right to conduct do any activities of daily living (see below) on:

1. public land, as long as they do not obstruct in a hazardous way normal pedestrian movement or traffic flow; or
2. private property with the permission of the property owner.

Under the bill, “activities of daily living” include, but are specifically not limited to, sleeping or resting, eating or preparing food, seeking shelter from extreme weather, accessing medical care, and using hygiene facilities.

The two above-listed rights to engage in daily living activities only exist if the person has not been offered adequate alternative indoor space in the municipality, including transportation of the person and his or her belongings to the space. (It is unclear who would be required to

make this offer.) Under the bill, “adequate alternative indoor space” is a space that is legally and physically accessible to an individual and does not require him or her to sacrifice any other personal right afforded under federal, state, or local law. (The bill does not specify who would determine whether a “sacrifice” is required.)

Other Specifically Protected Activities

Additionally, under the bill, a homeless person has a right to the use of public space without being discriminated against based on their housing status. Specifically, the bill gives homeless people the right to:

1. use and move freely in places of public accommodation (the bill also prohibits these actions if based on perceived housing status);
2. be free from civil or criminal sanctions for soliciting, sharing, accepting, or offering food, water, money, or other donations in public places;
3. (a) privacy of their personal property stored in public places, to the same degree as property in a private dwelling, and (b) to be free of the unreasonable search and seizure of their property;
4. pray, meditate, worship, or practice religion in public spaces; and
5. occupy a motor vehicle or a recreational vehicle (including a camper or motor home) parked (a) on public property but not in a position that obstructs the normal movement of traffic or creates a traffic hazard, or (b) on private property with the permission of the private property owner.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 14 Nay 4 (03/06/2025)