

New Jersey Debates Homeless Bill of Rights In the Shadow of Grants Pass

New Jersey is debating joining a growing list of states with a ratified homeless bill of rights. The purpose of this kind of legislature is to ensure that no person unfairly or unnecessarily suffers discrimination based on their housing status. [These rights](#), as defined by current legislation, include the right to use public spaces without discrimination, the right to equal treatment by government agencies, the right to seek and maintain employment, and the right to vote, among others.

Bill details

The bill, introduced in 2024, argues that many people have become unhoused due to economic hardship, a shortage of affordable housing, and a shrinking social safety net. Under the New Jersey Constitution, people are free and independent regardless of their housing status. As a result, Senator Britnee M. Timberlake intends to create a homeless bill of rights to address the inhumane treatment facing most unhoused people. While laws passed in the Supreme Court are binding, states can pass legislation that protects their particular stance on an issue. A Supreme Court verdict is not final, as states decide how to implement (or work around implementing) federal mandates. This bill represents an effort to protect unhoused people should the Grants Pass verdict remove their federal legal protection.

The bill, if passed, attempts to protect unhoused people in the following ways.

- The first provision allows unhoused people to use and move freely in public spaces. This includes all public infrastructure like any other person, without discrimination based on their housing situation.
- The second provision details the right to equal treatment via all state and municipal agencies.
- The third point guarantees they do not face discrimination while seeking employment due to the lack of a permanent mailing address. It also specifies that there cannot be discrimination based on the address of a shelter or social service provider.
- The right to emergency medical care, free from housing-based discrimination.
- The right to vote and register to vote. Provision is made for receiving documentation necessary to provide voter identity without housing-based discrimination.

- The right to protection from record disclosure without appropriate legal authority. The right to confidentiality of personal records is included under this clause.
- The right to enter a shelter with a service dog.

Current roadblocks and impact

While the bill is currently being introduced, [New Jersey advocates](#) are concerned about the impact the City of Grants Pass, Oregon v. Johnson will have on local unhoused people. The case, if ruled in favor of Grants Pass and many other municipalities weighing in, would allow cities to continue to clear out tent encampments regardless of whether or not another shelter exists. The case seems to be directly at odds with a bill designed to prevent unhoused people from suffering cruel and unusual punishment.

Advocates fear that criminalizing camping in this way sets a dubious legal precedent. It would be the first instance in which a person could be punished for involuntary conduct. The problem is pronounced in almost all states, as there are simply not enough shelters to meet population demand. People are forced to sleep outside since they have nowhere else to go. Unhoused people typically don't have access to legal counsel and are reliant on government rulings to protect them.

Current legal precedent dictates that punishing someone for being unhoused is considered cruel and unusual under the Eighth Amendment. If this changed, people could be fined or imprisoned for something as trivial as sleeping on a park bench. It would be the first time in legal history that people could be punished for crimes committed involuntarily. In addition, this approach absolves the government of any responsibility to resolve the issue. Not to mention that private prisons have financial incentives to imprison unhoused people, as they are often government-subsidized. There would be less incentive to build more emergency shelters if people could be criminalized for being unhoused.

The goal for New Jersey lawmakers in establishing a homeless bill of rights is for the state of New Jersey to acknowledge a right to equal and affordable shelter.

Current political climate

In the shadow of the Supreme Court's pending decision, [several states](#) are considering their homeless bill of rights. These states include Connecticut, Rhode Island, Illinois, and [Michigan](#), which is currently introducing a bill on the subject.

The [increased attention](#) surrounding unhoused legislation is no accident. Unhoused rights and issues are becoming more visible than ever, and tensions between city administrations and the public are reaching an all-time high. Several cities have tightened encampment restrictions, and are weighing in on the Grants Pass case via amicus brief. Dealing with encampments and other fallouts due to housing shortages has become a critical issue in many communities.

States such as Michigan are concerned that a court ruling in favor of Grants Pass would allow states to continue criminalizing and fining unhoused people as a solution. Criminalization often makes it more difficult for unhoused people to escape the street, not less. As a result, civil punishment will not be effective in resolving the issue.

Opposing arguments

Current efforts to address homelessness in states such as California are under scrutiny for the amount of resources that have been allocated without resolving the problem. The League of California Cities claims that the billions of dollars spent so far [are not enough](#). There are also arguments that the current status quo benefits nonprofits collecting large sums of money from state and local governments. As a result, some states, such as Georgia, are requiring [performance audits](#) to keep receiving money from the state.

Cities all across the United States are pressuring the court to grant them the power to clear encampments. Ultimately, the Grants Pass case will set a precedent for states to respond to homelessness. We can only hope that a compassionate solution that benefits everyone will be reached.