

COUNCIL OF THE DISTRICT OF COLUMBIA

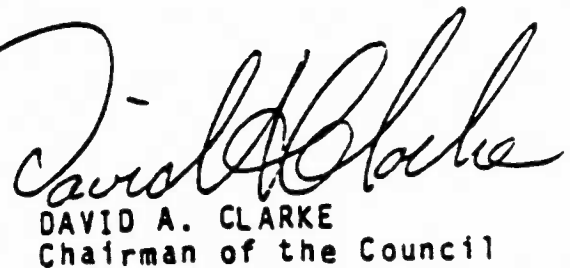
NOTICE

D.C. Law 5-146

"District of Columbia Right to Overnight Shelter Initiative of 1984".

Pursuant to Amendment #1 of the District of Columbia Self Government and Governmental Reorganization Act, P.L. 93-198, "the Act", the electors of the District of Columbia voted on Initiative No. 17 on November 6, 1984. On November 20, 1984, the Board of Elections and Ethics certified the Election results as 114,698 for the Initiative and 43,966 against the Initiative. Following the certification of the results, this initiative was assigned Act No. 5-208, published in the December 7, 1984 edition of the D.C. Register, (Vol. 31 page 6088) and transmitted to Congress on January 8, 1985, for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-146, effective March 14, 1985.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	22,23,24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5,6,7,8,11,12,13

DC. LAW 5 - 1 4 6

~~EFFECTIVE~~  
~~DATE~~ MAR 1 4 1985

DC. ACT 5 - 2 0 8

NOV 2 0 1984

INITIATIVE MEASURE NO. 17

SHORT TITLE

"DISTRICT OF COLUMBIA  
RIGHT TO OVERNIGHT SHELTER INITIATIVE OF 1984"

INITIATIVE MEASURE NO. 17  
BY THE ELECTORS OF THE DISTRICT OF COLUMBIA

To establish the right of all individuals to adequate overnight shelter and the policy of the District of Columbia to provide such shelter,

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA,  
That this measure may be cited as the "District of Columbia Right to Overnight Shelter Act of 1984".

Sec. 2 Establishment of Right.

All persons in the District of Columbia shall have the right to adequate overnight shelter. Adequate shelter is that which to a reasonable degree maintains, protects, and supports human health, is accessible, safe, and sanitary, and has an atmosphere of reasonable dignity.

Sec. 3. Declaration of Policy.

In the interest of preventing human suffering and reducing the costs of providing medical care and police protection, and in recognition of the right of all persons to adequate overnight shelter, it is by the Electors declared the public policy of the District of Columbia to provide adequate overnight shelter to all homeless persons in the District of Columbia requesting such shelter and willing to abide by reasonable regulations governing the operation of shelter facilities.

Sec. 4. Definition of Homeless.

A person shall be considered homeless if:

- (1) The person has no present possessory interest in an accommodation and lacks the means necessary to obtain such interest; or
- (2) The person has a possessory interest in an accommodation but:
  - (A) The person is unable to secure entry to that accommodation; or

(B) Occupation of the accommodation would likely lead to violence from another occupant.

Sec. 5. Assessment of Number of Unsheltered Homeless Persons.

Within 30 days of the date this initiative becomes effective, and at least once each year thereafter, the Mayor shall take reasonable steps to assess the number of homeless persons desiring overnight shelter and to determine current shelter availability and adequacy.

Sec. 6. Provision of Overnight Shelter.

Within 30 days of any assessment required by section 5 of this initiative, the Mayor shall take reasonable steps to provide health-maintaining and accessible overnight shelter space offered in an atmosphere of reasonable dignity to all homeless persons. Shelter need not be provided, however, to persons who can be shown to have entered the District of Columbia for the express purpose of obtaining free shelter as provided by this initiative, or who are unwilling to comply with duly enacted rules and regulations governing operation and use of shelter facilities.

Sec. 7. Judicial Review.

Any person aggrieved by a failure of the District of Columbia to provide the overnight shelter declared to be a right by this initiative, or by an action that is likely to lead to such a failure, may sue for relief in any court of competent jurisdiction. The court may grant such relief as it deems appropriate. Sovereign immunity shall not bar actions to enforce rights established by this initiative. Reasonable attorneys' fees and court costs may be awarded to the prevailing party, other than the government, for actions brought under this section.

Sec. 8. Severability.

If any provision of this initiative or its application to any person or circumstances, is held invalid, the remainder of this initiative, or the application of the provision to other persons or circumstances, shall not be affected.

Sec. 9. Effective Date.

This measure shall take effect as provided for initiative measures of the Electors of the District of Columbia in section 3 of Public Law 95-526, amending the Initiative, Referendum, and Recall Charter Amendment Act of 1977 (D.C. Law 2-46), and acts of the Council of the District of Columbia in Section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act.



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS AND ETHICS  
DISTRICT BUILDING  
WASHINGTON, D. C. 20004

In the Matter of

Initiative Measure No. 17, "District  
of Columbia Right to Overnight Shelter  
Initiative of 1984."

CERTIFICATION OF RESULTS OF THE ELECTION  
(NOVEMBER 6, 1984)

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Comes now the District of Columbia Board of Elections and Ethics and certifies (pursuant to the provisions of D.C. Code §1-1306(a)(11)) the complete results of the voting in the election on Initiative Measure No. 17 as follows:

Initiative Measure No. 17

FOR	114,698
AGAINST	43,966

IN TESTIMONY WHEREOF, we, Edward W. Norton, Chairman of the D.C. Board of Elections and Ethics, Valerie K. Burden and Shirley Wyatt Mundle, Members of said Board, have hereunto set our names and affixed the seal of said Board at the City of Washington, this 20th day of November, 1984.

Edward W. Norton  
Chairman

Valerie K. Burden  
Member

Shirley Wyatt Mundle  
Member