



**153rd GENERAL ASSEMBLY
FISCAL NOTE
*REVISED***

BILL:	HOUSE BILL NO. 135
SPONSOR:	Representative Phillips
DESCRIPTION:	AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO HOMELESSNESS.

Assumptions:

1. This Act becomes effective upon signature by the Governor.
2. This Act, known as the "Dr. DeBorah Gilbert White Anti-Cruelty to Delawareans Experiencing Homelessness Act," permits an individual experiencing homelessness to conduct life-sustaining activities in public, and provides certain protections for property and vehicles of individuals experiencing homelessness.
3. This Act further permits an individual experiencing homelessness to raise a violation of this Act as an affirmative defense to any charge of violating a statute or ordinance that prohibits life-sustaining activities protected under this Act. This Act also authorizes the Attorney General, on behalf of the State, to commence a civil action, on its own initiative or in response to a complaint.
4. This Act waives sovereign immunity of state or local governments specifically for any suit brought under this proposed chapter. The number of potential complaints that may result in a civil action is unknown and indeterminable.
 - a. For any civil actions, this Act provides that only equitable relief, which includes temporary, preliminary, or permanent injunctive relief, may be awarded. These are types of remedies that do not result in damages warranting a financial award.
 - b. This Act provides that a court shall award the cost of litigation and reasonable attorney's fees to a prevailing plaintiff and not be liable to a defendant for costs or attorney's fees in a non-frivolous action.
 - c. If a court were to award a plaintiff litigation costs and attorney's fees, it is assumed this liability would be paid through the State's Legal Fees appropriation.
5. The Department of State, Division of Human and Civil Rights, administers Delaware's fair housing and equal accommodations laws and receives and investigates related complaints/incidents. Upon implementation, it is anticipated that the Division of Human and Civil Rights may receive additional complaints. However, because the number of complaints and ensuing investigations is unknown, the costs of additional resources that may be necessary to handle the increased workload are indeterminable.

Cost:

Fiscal Year 2027: Indeterminable
Fiscal Year 2028: Indeterminable
Fiscal Year 2029: Indeterminable

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