

Reducing Street Homelessness Act Model Bill

SECTION 1. This bill shall be known and may be cited as the “Reducing Street Homelessness Act of [2022].”

(A) Purpose. This Act will reallocate existing State homelessness and other funding to counteract the burgeoning homelessness crisis in [State].

(B) Definitions. As used in this Act:

(i) “Department” means the State entity that adopts and oversees the rules, regulations, and policies of [housing and homeless affairs].

(ii) “Municipality” means any political subdivision, other than CoCs, that receives money from the State to provide homeless services.

(iii) “Continuums of Care” or “CoCs” mean the local organizations which determine the use of homelessness funds, as the term is defined by the federal Housing and Urban Development.

(iv) “Nonprofit” means any charitable organization that receives State funding to provide services to the homeless.

(v) “Direct relative” means a spouse, parent, parent-in-law, grandparent, grandparent-in-law, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, child, or grandchild.

(vi) “Assisted Outpatient Treatment” means court-ordered treatment in which an individual submits to regular psychiatric evaluations and a treatment regime, to be enforced by a court order.

SECTION 2. A new section of State Code is created, which shall read:

(A) Short-term housing. All State funding currently allocated to municipalities, CoCs, or nonprofits for the construction of short-term housing or sheltering of the homeless shall only be dedicated to the types of projects contained in this subsection (A).

(i) Parking areas, where each area shall provide:

(a) Access to basic utilities sufficient to serve all of the parking areas, including water and electricity outlets; and

(b) Access to bathrooms sufficient to serve all of the parking areas.

(ii) Camping facilities, where individuals experiencing homelessness may camp and store personal property at such facilities subject to the following:

(a) Individuals may only camp and store personal property at such facilities in the areas designated to each individual by the Department or the Department-designated operator of the camp; and

(b) Individuals must complete mental health and substance use evaluation as designated by the Department.

(iii) Individual shelters, which shall:

(a) Be suitable to house between one and three individuals;

(b) Provide basic sleeping accommodations and access to electricity;

(c) Provide adequate access to showers and bathroom facilities; and

(d) Be limited to occupation by each individual for a period of [six months].

(iv) Pay-for-Performance shelter contracts.

(a) For congregate shelters housing more than four homeless individuals in one space, the State shall condition grants to such shelters on improving the employment, income, and prevention of return to homelessness of individuals leaving those shelters.

(b) The Department shall have access to all State data, including unemployment insurance data, for the sole use of evaluating the performance of such shelters.

(v) A person that owns, operates, manages, or otherwise controls a camping facility under (A)(ii) is immune from liability for all civil claims, excluding claims involving the person's intentional or grossly negligent conduct, arising out of the ownership, operation, management, or other control of such facility.

(vi) Camping facilities under (A)(ii) are not subject to otherwise applicable building codes or ordinances.

(B) Services Leading to Permanent Housing.

(i) CoC serving an area with a per-capita homelessness level more than the average of State CoCs shall allocate State funding currently used for permanent supportive housing, and not otherwise restricted by Federal requirements, to nonprofits according to the following method:

(a) Each CoC shall survey homeless individuals living within the area in which the CoC operates, including such individuals in local hospitals, jails, and their shelter systems, to calculate the combined days that such homeless individuals spend:

(1) Days unhoused or in shelters in the year preceding the survey date;

(2) Days spent in any State or Federal correctional facility in the year preceding the survey date; and

(3) Days hospitalized in the year preceding the survey date.

(b). For purposes of the survey in clause (a) of this subsection, CoCs shall have access to the information of public hospitals, jails, and shelters.

(c) Each Continuum of Care shall identify individuals with the greatest number of combined days as determined pursuant to clause (a) of this subsection and assist the Department in awarding all State funds designated in section (i) to nonprofit organizations that are willing and competent, as determined by the Department, to assist such individuals through the provision of substance use, mental health treatment, and other services, as well as short-term shelter.

(d) To the extent feasible, the Department shall randomly select individuals from the group of homeless individuals in each CoC's service area with the greatest combined days under clause (a) of this subsection and reduce the combined days of nonprofit organizations serving such individuals relative to the group that was not selected, with the number of days to be weighted by the Department.

(e) Each nonprofit selected by the Department under clause (d) of this subsection shall be eligible to receive a three-year grant .

(f) In lieu of a grant provided in clause (e) of this subsection, each CoC may recommend for a grant other nonprofits that monitor the combined days of homeless individuals using at least two of the three metrics in (B)(i)(a)(1)–(3).

(C) Funding housing services surveys.

(i) CoCs may use State grants for permanent supportive housing or to conduct the surveys necessary to allocate State funding to nonprofits, but these expenses shall not exceed [10%] of a CoCs total grant amount.

(D) Use of State lands.

(i) No person shall be permitted to use State-owned lands for unauthorized sleeping, camping, or long-term shelters.

(ii) A violation of this prohibition is a Class [C] misdemeanor punishable by:

(a) For first-time offenses:

(1) A written warning citation; and

(2) Removal from State property;

(b) For all other offenses, other than first-time offenses under clause (a) of this paragraph:

(1) a fine not to exceed [\$5,000];

(2) confinement in jail for a term not to exceed [one month]; or

(3) both such fine and confinement

(ii) In lieu of the penalties in (D)(ii)(b), any individual cited for a second or any successive violation of this section may be enrolled in a diversion program to local drug or mental health courts.

(a) An individual who fails to complete any requirements of the drug or mental health courts may be prosecuted for a violation of this section under (D)(ii)(b).

(E) State-run camping facilities

(i) The Department shall designate areas of State-owned land for the creation of structured camping facilities to house any individual removed from State-owned land, or for any other homeless individuals.

(ii) Individuals experiencing homelessness may camp and store personal property at such designated areas subject to the following:

(a) Individuals may only camp and store personal property in the areas designated to the individual by the Department; and

(b) Individuals must complete certain service obligations designated by the Department, including mental health and drug treatment programs as designated by the Department.

(1) Failure to submit to the forgoing requirements or any drug test result that yields a positive result for any substance on the State-controlled substances list shall result in the immediate removal from State-run structured camping facilities.

(F) General Funding limitations.

(i) No State funds shall be allocated to any municipality, CoC, or nonprofit for the construction of any short-term housing that costs more than [\$55,000] per bed to construct, excluding the price of land.

(ii) No State funding shall be allocated to any municipality or nonprofit for the construction or maintenance of any short-term housing that costs more than [\$20,000] a year to maintain at a basic level of habitability.

(iii) No homelessness assistance funding shall be allocated to any CoCs or nonprofits in cities that show an increase in unsheltered homeless of at least [50] individuals for two consecutive years and refuse to enforce laws prohibiting unauthorized camping.

[(G) Mental health supervision petitions]

(i) Any individual who is eighteen years of age or older may file a petition seeking a 72-hour hold on an individual for the purpose of psychiatric evaluation who is:

(a) 18 of age or older; and

(b) A direct relative.

(ii) The court in which a petition authorized by this subsection is filed shall impose a 72-hour psychiatric hold if the court determines that reasonable cause exists to believe that the subject of the petition:

- (a) Poses a serious threat to himself or others;
- (b) Is incapable of caring for himself; or
- (c) Has a mental state that will deteriorate to a dangerous level without medical intervention.

(iii) Upon determination that the subject of such a petition meets any of the above criteria, the State court shall order that the subject be confined to a State psychiatric institution for a period of 72 hours, during which time the facility staff shall conduct a mental health evaluation.

(a) At the end of 72 hours, the facility staff shall recommend a course of further treatment to the court, with a preference for Assisted Outpatient Treatment options where appropriate.

(1) Any initial period of Assisted Outpatient Treatment shall last for a minimum of [90 days].

(2) Any renewal of Assisted Outpatient Treatment shall last for a minimum of [180 days].

(3) The court shall specify consequences and procedures to follow if the individual does not follow the requirements of the Assisted Outpatient Treatment program.

(4) Punishment for violations of an Assisted Outpatient Treatment program shall not exceed [one month] in jail or a fine of [\$5,000].

(b) If, at the end of 72 hours of confinement, the subject is determined by facility staff to no longer meet any of the criteria described in section (G)(ii), he shall be released immediately.

(H) Homeless outreach teams and public safety funding.

(i) A municipality may allocate up to [25%] of the funds it receives from the State through grants for public safety to the creation of homeless outreach teams. These teams shall;

- (a) Be composed of both police officers and social service professionals;
- (b) Work to move individuals camping and sleeping in public or private places not fit for human habitation into homeless services; and
- (c) Enforce all State laws against street camping and sleeping in public, and these teams should have a preference towards moving homeless individuals into drug or mental health courts whenever possible.

(ii) Any municipality with a higher per-capita rate of homelessness than the State average, as determined by the Point-in-Time Count required by the federal government and by the most recent U.S. Census calculations, that refuses to enforce State laws, including laws prohibiting

unauthorized camping, sleeping, or obstructing a public sidewalk or right-of-way, shall, within one year of the passage of this act, receive no further State funding through grants awarded for public safety until, as determined by the state agency awarding such grants:

(a) the municipality's per-capita rate of unsheltered homeless individuals is at or below the State average; or

(b) the municipality enforces State laws, including laws prohibiting unauthorized camping, sleeping, or obstructing a public sidewalk or right-of-way.

(I) Rulemaking. The Department shall promulgate all rules and regulations necessary for the purposes of carrying out this Act within 90 days of enactment.

SECTION 3. Severability and Effective Date.

(A) Severability. It is the intention of the legislature that the provisions of this section shall be severable. If any provision of this section or its application to any person or circumstance is held invalid, the remainder of the section or the application of the provision to other persons or circumstances is not affected, including but not limited to the applicability of this section to the provisions of future agreements subject to this section.

(B) Effective Date. The provisions of this Act take effect on [January 1, 2023].