

Model Bill: Reducing Street Homelessness Act (based on [Missouri HB 1606 \(2022\)](#))

12.22.2022

SECTION 1. Purpose and Definition.

(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, the following terms mean:

- (1) “Department”, the state governmental entity authorized to allocate state funds, as defined in Section 1, subsection (B)(2) of this Act;
- (2) “State funds”, any funds appropriated by the state and federal funds received by the state for housing or services for the homeless, excluding any federal funds insofar as the expenditure of such funds is lawfully restricted to exclude housing programs pursuant to this Act.

SECTION 2. A new section of state code is created to read:

(C) State funds for the homeless. State funds for the homeless shall be used for the following:

- (1) For parking areas, at which the following are available:
 - (a) Access to potable water and electric outlets; and
 - (b) Access to bathrooms sufficient to serve all the parking areas;
- (2) For camping facilities, subject to the following:
 - (a) Only individuals experiencing homelessness may camp and store personal property at camping facilities receiving funds under this Act.
 - (b) Such individuals may only camp and store personal property at such facilities in the areas designated to each individual by the agency providing the camping facilities; and
 - (c) Each facility shall offer a mental health and substance use evaluation as designated by a state or local agency and individuals may complete such evaluation;
- (3) For individual shelters, provided that such shelters:
 - (a) are 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) are limited to occupation by each individual for a period of not more than [*two years*];

(4) For congregate shelters housing more than four homeless individuals in one space, state funds shall be available only to the extent the shelter monitors and provides programs to improve the employment, income, and prevention of return to homelessness of individuals leaving those shelters. The Department shall provide performance payments of up to ten percent of the base grant amount for such programs that meet guidelines as established by the Department. Individuals utilizing such facilities pursuant to this subsection shall be entered into a homelessness management information system maintained by the local continuum of care.

(D) Private campground protections. A private campground owner or an employee or officer of a private campground operating such facility pursuant to this section shall be 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.

(E) Performance payments.

(1) State funds that may otherwise be used for the construction of permanent housing for the homeless shall be used to assist such individuals with substance use, mental health treatment, and other services, including short-term housing. The Department shall provide up to [twenty-five] percent of the base allocation of such funds as performance payments to political subdivisions or not-for-profit organizations providing such services as rewards for meeting predetermined goals on reductions of:

- (a) days unhoused;
- (b) days in jail or prison; and
- (c) days hospitalized, with the weights of such days to be determined by the Department.

(2) Political subdivisions and not-for-profit organizations may use new state grants described in subsection (E)(1) of this section to conduct surveys to identify individuals with the greatest number of days unhoused, in jail or prison, or hospitalized but these expenses shall not exceed ten percent of the total grant amount.

(3) Any political subdivision with a higher per-capita rate of homelessness than the state average, as determined by the most recent United States census numbers for the overall population and the most recent federal Department of Housing and Urban Development homelessness point-in-time continuum of care, as defined by 24 C.F.R. 578.5(a), in which the political subdivision is located, shall, within one year of the passage of this Act, receive no further state funding by the Department until the Department determines:

- (a) The political subdivision has a per-capita rate of unsheltered homeless individuals at or below the state average; or
- (b) The political subdivision is in compliance with this Act.

(F) Use of state lands. No person shall be permitted to use state or local government-owned lands for unauthorized sleeping, camping, or long-term shelters. Any violation of this subsection shall be a class [C] misdemeanor; however, for the first offense such an individual shall be given a warning, and no citation shall be issued unless that individual refuses to move to any offered services or shelter.

(G) Enforcement.

(1) A political subdivision shall not adopt or enforce any policy under which the political subdivision directly or indirectly prohibits or discourages the enforcement of any order or ordinance prohibiting public camping, sleeping, or obstruction of public right of ways, including roads and sidewalks.

(2) A political subdivision shall not directly or indirectly prohibit or discourage a peace officer or prosecuting attorney who is employed by or otherwise under the direction or control of the political subdivision from enforcing any order or ordinance prohibiting public camping, sleeping, or obstruction of public right of ways, including roads and sidewalks.

(3) The provisions of this section shall not prohibit a policy of any political subdivision that encourages diversion programs or offering of services in lieu of citation or arrest.

(4) The attorney general shall have the power to bring a civil action in any court of competent jurisdiction against any political subdivision to enjoin the political subdivision from violating the provisions of this Act.

(5) The attorney general may recover reasonable expenses incurred in any civil action brought under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(H) Shelters for victims of domestic violence. The provisions of this section, including references to the disbursement of state grants and funds, shall not apply to shelters for victims of domestic violence as defined in section [XXX].

(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, 2024*].