

## SANCTIONED CAMPING ACT.

### SECTION 1. Title and Purpose.

- A. This Act shall be known and may be cited as the “Authorized Temporary Shelter Sites Act.”
- B. The purpose of this Act is to provide for political subdivisions within [STATE] to establish safe, regulated, and authorized locations for homeless persons to establish a temporary shelter.

### SECTION 2. Definitions.

Unless context demands otherwise:

- A. "Campsite" shall mean a regular location of public grounds designated as a recreational camping ground, area, or facility, that allows temporary overnight occupancy without a permanently fixed structure.
- B. “Public camping” shall mean to sleep upon, occupy, or otherwise use as a substitute for regular shelter, public property not designated as a campsite.
- C. “Unsheltered homeless” shall mean those homeless persons whose primary nighttime residence are in places not meant for human habitation, including, but not limited to, tents, cars, recreational vehicles, makeshift shelters, parks, rights-of-way, campsites, and abandoned buildings.

### SECTION 3. Establishment of authorized temporary shelter sites.

- A. A political subdivision may, by majority vote of the subdivision’s governing body, designate property owned by the subdivision within the boundaries of the subdivision to be used for a continuous period of no longer than one (1) year for the purposes of public camping or sleeping for people experiencing unsheltered homelessness.
  - a. A designation under this section is not effective until the [SECRETARY OF HOUSING/HEALTH SERVICES] certifies the designation. To obtain certification, the subdivision shall submit a request to the [SECRETARY OF HOUSING/HEALTH SERVICES] which shall include certification of, and documentation providing, the following:
    - i. There are not sufficient open beds in homeless shelters in the political subdivision for the unsheltered homeless population of the subdivision.
    - ii. The designated property would not adversely and materially affect the property value or safety and security of other existing residential or

commercial property in the political subdivision and would not negatively affect the safety of children.

- iii. The political subdivision has developed a plan to satisfy the requirements of paragraph (b).

Upon receipt of a political subdivision's request to certify a designation, the [SECRETARY OF HOUSING/HEALTH SERVICES] shall notify the subdivision of the date of receiving the request, and of any omission or error, within ten (10) days after receipt. The [SECRETARY OF HOUSING/HEALTH SERVICES] shall certify each designation within forty-five (45) days after receipt of a complete submission that, in the [SECRETARY OF HOUSING/HEALTH SERVICES]'s opinion, satisfies the requirements of this section. In the event the [SECRETARY OF HOUSING/HEALTH SERVICES] does not certify a designation under this section that otherwise complies with the requirements of this section, the designation shall be deemed to be certified on the forty-fifth (45<sup>th</sup>) day after the [SECRETARY OF HOUSING/HEALTH SERVICES] received the complete submission.

- b. If a political subdivision designates public property to be used to public camping or sleeping for unsheltered homeless, it must establish and maintain minimum standards and procedures related to the designated property for the purposes of:
  - i. Ensuring the safety and security of the designated property and the persons camping on such property.
  - ii. Assigning specific sublots, parking spots, or other locations, as applicable, to persons within the property.
  - iii. Maintaining a register of persons who have utilized the property and on which dates.
  - iv. Maintaining sanitation, which must include, at a minimum, providing access to clean and operable restrooms, showers, and running water.
  - v. Coordinating with the regional managing entity to provide access to behavioral health services, which must include substance abuse and mental health treatment resources.
  - vi. Prohibiting illegal substance use and alcohol use on the designated property and enforcing such prohibitions.
  - vii. Ensure all other laws and regulations are adhered to and enforced.
- c. Within thirty (30) days after certification of a designation by the [SECRETARY OF HOUSING/HEALTH SERVICES], the political subdivision must publish the

minimum standards and procedures required under paragraph (b) on the subdivision's website. The subdivision must continue to make such policies and procedures publicly available for as long as any public property remains designated under paragraph (a).

- d. The [SECRETARY OF HOUSING/HEALTH SERVICES] may inspect any designated property at any time, and the [SECRETARY OF HOUSING/HEALTH SERVICES] may provide notice to the political subdivision demanding closure of the designated property if the requirements of this section are no longer satisfied. A political subdivision must publish any such notice issued by the department on the subdivision's publicly accessible website within five (5) business days after receipt of the notice, and be given 10 (ten) business days to cure the alleged violation.

- B. Nothing in this Act shall be construed so as to restrict the state nor any political subdivision from authorizing, maintaining, or allowing temporary camping on a public campsite.

#### **SECTION 4. Attorney General enforcement.**

- A. A resident of the political subdivision, an owner of a business located in the subdivision, or the Attorney General may bring a civil action in any court of competent jurisdiction against any political subdivision to enforce the requirements of Section 3(A)(b) through (d). If the resident or business owner prevails in a civil action, the court may award reasonable expenses incurred in bringing the civil action, including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition costs.
  - a. An application for injunction filed pursuant to this subsection must be accompanied by an affidavit attesting that:
    - i. The applicant has provided written notice of the alleged violation of Section 3(A)(b) to the governing board of the political subdivision.
    - ii. The applicant has provided the political subdivision with five (5) business days to cure the alleged violation.
    - iii. The political subdivision has failed to take all reasonable actions within the limits of its governmental authority to cure the alleged violation within five (5) business days after receiving written notice of the alleged violation.

#### **SECTION 5. Severability and Effective Date.**

- A. If any provision of this chapter, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this chapter and the application of its provisions to any other person or circumstance shall not be affected thereby.

B. This Act shall be fully enforceable January 1, 202[X].