

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 1106

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to funding for housing programs, with penalty provisions and an effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.2300, to read as follows:

67.2300. 1. As used in this section, "state funds" shall mean any funds raised by the state and federal funds received by the state for housing or homelessness, but shall not include any federal funds not able to be used for housing programs pursuant to this section due to federal statutory or regulatory restrictions.

2. State funds for the homeless shall be used for the following:

(1) For parking areas, each area shall provide:

(a) Access to portable water and electric outlets; and

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

(2) For camping facilities, individuals experiencing homelessness may camp and store personal property at such facilities, which shall be subject to the following:

(a) Individuals shall only camp and store personal property at such facilities in the areas designated to each individual by the agency providing the camping facilities; and

(b) Individuals shall complete a mental health and substance use evaluation as designated by a state or local agency;

(3) For individual shelters, which shall be subject to the following:

(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 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 of economic development shall provide bonuses of up to ten percent 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 department of mental health.

3. A private campground owner or an employee or officer of a private campground operating such facility pursuant to this section shall be subject to the provisions of section 537.328.

4. (1) State funds otherwise 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 twenty-five percent of the base allocation of such funds as bonuses 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 state grants otherwise used for permanent housing to conduct the 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.

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

6. (1) A political subdivision shall not adopt or enforce any policy under which the political subdivision prohibits or discourages the enforcement of any order or ordinance prohibiting public camping, sleeping, or obstructions of sidewalks.

(2) In compliance with subsection 5 of this section, a political subdivision shall not 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 obstructions of 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 a 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 failing to enforce any ordinances or orders prohibiting public camping, sleeping, or obstructions of sidewalks.

(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.

7. Any political subdivision with a higher per-capita rate of homelessness than the state average shall, within one year of the passage of this act, receive no further state funding through grants awarded for public safety by the department or the Missouri housing development commission until the department determines:

(1) The political subdivision has a per-capita rate of unsheltered homeless individuals at or below the state average; or

(2) The political subdivision is in compliance with subsection 6 of this act.

8. A political subdivision may apply for, and the department may grant, up to twenty-five percent of all department grants for public safety provided to that political subdivision for the creation and maintenance of homeless outreach teams. These teams shall:

(1) Be composed of both peace officers and social service professionals;

(2) Work to move individuals camping and sleeping in public or private places not fit for human habitation into homeless services; and

(3) Enforce all ordinances against street camping and sleeping in public, and these teams shall have a preference toward moving homeless individuals into drug or other adult treatment courts as defined in section 478.001 whenever possible.

9. The department of economic development shall promulgate all rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after January 1, 2023, shall be invalid and void.

10. 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 455.200.

Section B. The enactment of section 67.2300 of this act shall become effective on January 1, 2023.