

SENATE BILL NO. 622

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

1918S.04I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 67.2300, RSMo, and to enact in lieu thereof one new section relating to homelessness, with penalty provisions.

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

Section A. Section 67.2300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.2300, to read as follows:

67.2300. 1. As used in this section, the following terms mean:

(1) "Department", any department authorized to allocate funds raised by the state or federal funds received by the state for housing or homelessness;

(2) "Encampment", any public street, road, parking lot, or other area, or private property without the consent of the property owner, where a group of three or more homeless individuals live or intend to live for one or more days, whether or not continuously;

(3) "Encampment support team", an entity which shall collaborate with political subdivisions to develop an encampment response plan which shall provide housing and resources to homeless individuals. An encampment support team shall include, but shall not be limited to:

(a) One representative from a local law enforcement agency;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 (b) Two representatives from a local continuum of care
19 entity;

20 (c) One representative from a medical provider; and

21 (d) One representative from a mental health care
22 provider;

23 (4) "Encampment response plan", a written plan
24 developed by the encampment support team which shall detail
25 the relocation of any homeless individual pursuant to the
26 provisions of subsection 5 of this section;

27 (5) "Homeless", shall have the same meaning as 24 CFR
28 91.5;

29 (6) "Intentional encampment facility", an enclosed
30 area which is provided by a political subdivision, state
31 agency, or not-for-profit organization;

32 (7) "Low-barrier-to-entry housing", any intentional
33 encampment facility, temporary housing, or temporary shelter
34 which does not require as a condition of living on its
35 premises any:

36 (a) Curfew;

37 (b) Background check;

38 (c) Proof of employment;

39 (d) Demonstration of financial history, credit, or
40 savings;

41 (e) Mandatory attendance at meals or workshops;

42 (f) Mandatory sobriety; or

43 (g) Mandatory treatment for any controlled substance.

44 Such low-barrier-to-entry housing may restrict access to any
45 person who is deemed an immediate threat to other residents,
46 volunteers, or staff;

47 (8) "State funds", any funds raised by the state and
48 federal funds received by the state for housing or

49 homelessness, but shall not include any federal funds not
50 able to be used for housing programs pursuant to this
51 section due to federal statutory or regulatory restrictions.

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

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

55 (a) **Access to potable water and electric outlets; and**

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

58 (2) **For [camping] intentional encampment** facilities,
59 individuals experiencing homelessness may camp and store
60 personal property at such facilities, which shall be subject
61 to the following:

62 (a) Individuals shall only camp and store personal
63 property at such facilities in the areas designated to each
64 individual by the agency providing the **[camping]** facilities;
65 **[and]**

66 (b) Facilities shall provide a mental health and
67 substance use evaluation as designated by a state or local
68 agency and individuals may complete such evaluation;

69 (c) **Facilities shall provide access to potable water**
70 **and electric outlets; and**

71 (d) **Access to bathrooms sufficient to serve the**
72 **facility;**

73 **[(3)] (2) For [individual shelters] temporary housing,**
74 which shall be subject to the following:

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

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

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

81 (d) Be limited to occupation by each individual for a
82 period of not more than two years;

83 ~~[(4)]~~ (3) For ~~[congregate]~~ **temporary** shelters housing
84 more than ~~[four]~~ **three** homeless individuals in one **enclosed**
85 space, state funds shall be available only to the extent the
86 shelter monitors and provides programs to improve the
87 employment, income, and prevention of return to homelessness
88 of individuals leaving those shelters. The department shall
89 provide performance payments of up to ten percent for such
90 programs that meet guidelines as established by the
91 department.

92 Individuals utilizing such facilities pursuant to this
93 subsection shall be entered into a homelessness management
94 information system maintained by the local continuum of care.

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

99 4. (1) State funds otherwise used for the
100 construction of permanent housing for the homeless shall be
101 used to assist such individuals with substance use, mental
102 health treatment, and other services, including short-term
103 housing. The department shall provide up to twenty-five
104 percent of the base allocation of such funds as performance
105 payments to political subdivisions or not-for-profit
106 organizations providing such services as rewards for meeting
107 predetermined goals on reductions of:

108 (a) Days unhoused;

109 (b) Days in jail or prison; and

110 (c) Days hospitalized, with the weights of such days
111 to be determined by the department.

112 (2) Political subdivisions and not-for-profit
113 organizations may use state grants otherwise used for
114 permanent housing to conduct surveys to identify individuals
115 with the greatest number of days unhoused, in jail or
116 prison, or hospitalized but these expenses shall not exceed
117 ten percent of the total grant amount.

118 5. [No person shall be permitted to use state-owned
119 lands for unauthorized sleeping, camping, or the
120 construction of long-term shelters.] **A political subdivision**
121 **located within a charter county or a city not within a**
122 **county shall, in conjunction with any law enforcement agency**
123 **and local continuum of care entity within its boundaries,**
124 **develop an ordinance, order, or policy relating to**
125 **encampments which shall include the following:**

126 (1) The establishment of an encampment support team;

127 (2) Within five days of receiving notice of an
128 encampment, the political subdivision shall notify the
129 encampment support team to allow such entity to prepare an
130 encampment response plan to relocate the people in such
131 encampment;

132 (3) Within five days of the completion of an
133 encampment response plan, the political subdivision,
134 following the encampment response plan, shall notify any
135 person living in such encampment that he or she shall be
136 relocated after thirty days of such notification;

137 (4) The political subdivision shall notify any person
138 subject to relocation from an encampment with available
139 temporary shelters and housing within the political
140 subdivision. Such temporary shelters and housing shall
141 include the option of low-barrier-to-entry housing;

142 (5) Within thirty days from the notification by the
143 political subdivision, any person living in such encampment
144 shall relocate to temporary shelter or housing; and

145 (6) Within thirty days of relocation of any person
146 living in an encampment, the political subdivision shall
147 post a sign prohibiting any individual from occupying such
148 encampment location.

149 Any person living in such encampment who is in violation of
150 this subsection shall be **guilty of** a class C misdemeanor;
151 however, for the first offense such individual shall be
152 given a warning, and no citation shall be issued unless that
153 individual refuses to move to any offered services or
154 shelter.

155 6. (1) **Except as provided in subsection 5 of this**
156 **section,** a political subdivision shall not adopt or enforce
157 any policy under which the political subdivision prohibits
158 or discourages the enforcement of any order or ordinance
159 prohibiting public camping, sleeping, or obstructions of
160 sidewalks.

161 (2) In compliance with subsection 5 of this section, a
162 political subdivision shall not prohibit or discourage a
163 peace officer or prosecuting attorney who is employed by or
164 otherwise under the direction or control of the political
165 subdivision from enforcing any order or ordinance
166 prohibiting public camping, sleeping, or obstructions of
167 sidewalks.

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

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

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

180 7. Any political subdivision with a higher per-capita
181 rate of homelessness than the state average, as determined
182 by the most recent United States census numbers for the
183 overall population and the most recent federal Department of
184 Housing and Urban Development homelessness point-in-time
185 continuum of care, as defined by 24 CFR 578.5(a), in which
186 the political subdivision is located, shall, within one year
187 of the passage of this act, receive no further state funding
188 by the department until the department determines:

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

192 (2) The political subdivision is in compliance with
193 **[subsection] subsections 5 and 6** of this act.

194 8. The department authorized to allocate funds
195 pursuant to this section may promulgate all rules and
196 regulations to implement the provisions of this section.
197 Any rule or portion of a rule, as that term is defined in
198 section 536.010, that is created under the authority
199 delegated in this section shall become effective only if it
200 complies with and is subject to all of the provisions of
201 chapter 536 and, if applicable, section 536.028. This
202 section and chapter 536 are nonseverable and if any of the
203 powers vested with the general assembly pursuant to chapter

204 536 to review, to delay the effective date, or to disapprove
205 and annul a rule are subsequently held unconstitutional,
206 then the grant of rulemaking authority and any rule proposed
207 or adopted after January 1, 2023, shall be invalid and void.

208 9. The provisions of this section, including
209 references to the disbursement of state grants and funds,
210 shall not apply to shelters for victims of domestic violence
211 as defined in section 455.200.

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