

SENATE BILL NO. 1336

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR THOMPSON REHDER.

5109S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 67.2300 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and to enact in lieu thereof one new section relating to funding for housing programs, with penalty provisions.

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

Section A. Section 67.2300 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, is repealed and one new section enacted in lieu thereof, to be known as section 67.2300, to read as follows: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) "State funds", 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 potable 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

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

28 areas designated to each individual by the
29 agency providing the camping facilities; and
30 (b) Facilities shall provide a mental
31 health and substance use evaluation as
32 designated by a state or local agency and
33 individuals may complete such evaluation;
34 (3) For individual shelters, which shall
35 be subject to the following:
36 (a) Be suitable to house between one and
37 three individuals;
38 (b) Provide basic sleeping accommodations
39 and access to electricity;
40 (c) Provide adequate access to showers and
41 bathroom facilities; and
42 (d) Be limited to occupation by each
43 individual for a period of not more than two
44 years;
45 (4) For congregate shelters housing more
46 than four homeless individuals in one space,
47 state funds shall be available only to the
48 extent the shelter monitors and provides
49 programs to improve the employment, income, and
50 prevention of return to homelessness of
51 individuals leaving those shelters. The
52 department shall provide performance payments of
53 up to ten percent for such programs that meet
54 guidelines as established by the department.
55 Individuals utilizing such facilities pursuant
56 to this subsection shall be entered into a
57 homelessness management information system
58 maintained by the local continuum of care.
59 3. A private campground owner or an
60 employee or officer of a private campground
61 operating such facility pursuant to this section
62 shall be subject to the provisions of section
63 537.328.
64 4. (1) State funds otherwise used for the
65 construction of permanent housing for the
66 homeless shall be used to assist such
67 individuals with substance use, mental health
68 treatment, and other services, including short-
69 term housing. The department shall provide up
70 to twenty-five percent of the base allocation of
71 such funds as performance payments to political
72 subdivisions or not-for-profit organizations
73 providing such services as rewards for meeting
74 predetermined goals on reductions of:
75 (a) Days unhoused;
76 (b) Days in jail or prison; and
77 (c) Days hospitalized, with the weights of
78 such days to be determined by the department.
79 (2) Political subdivisions and not-for-
80 profit organizations may use state grants
81 otherwise used for permanent housing to conduct
82 surveys to identify individuals with the
83 greatest number of days unhoused, in jail or

84 prison, or hospitalized but these expenses shall
85 not exceed ten percent of the total grant amount.

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

95 6. (1) A political subdivision shall not
96 adopt or enforce any policy under which the
97 political subdivision prohibits or discourages
98 the enforcement of any order or ordinance
99 prohibiting public camping, sleeping, or
100 obstructions of sidewalks.

101 (2) In compliance with subsection 5 of
102 this section, a political subdivision shall not
103 prohibit or discourage a peace officer or
104 prosecuting attorney who is employed by or
105 otherwise under the direction or control of the
106 political subdivision from enforcing any order
107 or ordinance prohibiting public camping,
108 sleeping, or obstructions of sidewalks.

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

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

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

124 7. Any political subdivision with a higher
125 per-capita rate of homelessness than the state
126 average, as determined by the most recent United
127 States census numbers for the overall population
128 and the most recent federal Department of
129 Housing and Urban Development homelessness point-
130 in-time continuum of care, as defined by 24 CFR
131 578.5(a), in which the political subdivision is
132 located, shall, within one year of the passage
133 of this act, receive no further state funding by
134 the department until the department determines:

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

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

140 8. The department authorized to allocate
141 funds pursuant to this section may promulgate
142 all rules and regulations to implement the
143 provisions of this section. Any rule or portion
144 of a rule, as that term is defined in section
145 536.010, that is created under the authority
146 delegated in this section shall become effective
147 only if it complies with and is subject to all
148 of the provisions of chapter 536 and, if
149 applicable, section 536.028. This section and
150 chapter 536 are nonseverable and if any of the
151 powers vested with the general assembly pursuant
152 to chapter 536 to review, to delay the effective
153 date, or to disapprove and annul a rule are
154 subsequently held unconstitutional, then the
155 grant of rulemaking authority and any rule
156 proposed or adopted after January 1, 2023, shall
157 be invalid and void.

158 9. The provisions of this section,
159 including references to the disbursement of
160 state grants and funds, shall not apply to
161 shelters for victims of domestic violence as
162 defined in section 455.200.]

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2 terms mean:

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4 allocate funds raised by the state or federal funds received
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12 following:

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18 homelessness may camp and store personal property at such
19 facilities, which shall be subject to the following:

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

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

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28 the following:

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47 information system maintained by the local continuum of care.

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60 predetermined goals on reductions of:

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103 rate of homelessness than the state average, as determined
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125 powers vested with the general assembly pursuant to chapter
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