

SENATE BILL NO. 791

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROBERTS.

3084S.02I

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Section A. Section 67.2300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.2300, to read as follows: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

(a) One representative chosen by the chief of police of the law enforcement agency located in the political subdivision;

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

19 (b) The director of a continuum of care located in the
20 political subdivision and one additional member selected by
21 the director;

22 (c) One representative from the health department of
23 the political subdivision;

24 (d) One representative recommended by the Missouri
25 Hospital Association who is a health care professional, as
26 defined in section 537.035, from a hospital, as defined in
27 section 197.020, with experience treating homeless
28 individuals located within the political subdivision; and

29 (e) One representative recommended by the Missouri
30 Behavioral Health Council who is a health care professional,
31 as defined in section 537.035, who provides clinical
32 treatment services for substance use disorders;

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

37 (5) "Homeless", shall have the same meaning as 24 CFR
38 91.5;

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

42 (7) "Low-barrier-to-entry housing", any intentional
43 encampment facility, temporary housing, or temporary shelter
44 which does not require as a condition of living on its
45 premises any:

46 (a) Curfew;

47 (b) Background check;

48 (c) Proof of employment;

49 (d) Demonstration of financial history, credit, or
50 savings;

- 51 (e) **Mandatory attendance at meals or workshops;**
52 (f) **Mandatory sobriety; or**
53 (g) **Mandatory treatment for any controlled substance.**

54 **Such low-barrier-to-entry housing may restrict access to any**
55 **person who is deemed an immediate threat to other residents,**
56 **volunteers, or staff;**

57 (8) "State funds", any funds raised by the state and
58 federal funds received by the state for housing or
59 homelessness, but shall not include any federal funds not
60 able to be used for housing programs pursuant to this
61 section due to federal statutory or regulatory restrictions.

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

- 64 (1) **[For parking areas, each area shall provide:**
65 (a) **Access to potable water and electric outlets; and**
66 (b) **Access to bathrooms sufficient to serve all of the**
67 **parking areas;**

68 (2) **For [camping] intentional encampment** facilities,
69 individuals experiencing homelessness may camp and store
70 personal property at such facilities, which shall be subject
71 to the following:

72 (a) Individuals shall only camp and store personal
73 property at such facilities in the areas designated to each
74 individual by the agency providing the **[camping]** facilities;
75 **[and]**

76 (b) Facilities shall provide a mental health and
77 substance use evaluation as designated by a state or local
78 agency and individuals may complete such evaluation; **and**

79 (c) **Facilities shall provide access to potable water,**
80 **electric outlets, and bathrooms sufficient to serve the**
81 **facility;**

82 [(3)] (2) For [individual shelters] **temporary housing**,
83 which shall be subject to the following:

84 (a) Be suitable to house between one and three
85 individuals;

86 (b) Provide basic sleeping accommodations and access
87 to electricity;

88 (c) Provide adequate access to showers and bathroom
89 facilities; and

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

92 [(4)] (3) For [congregate] **temporary** shelters housing
93 more than [four] **three** homeless individuals in one **enclosed**
94 space, state funds shall be available only to the extent the
95 shelter monitors and provides programs to improve the
96 employment, income, and prevention of return to homelessness
97 of individuals leaving those shelters. The department shall
98 provide performance payments of up to ten percent for such
99 programs that meet guidelines as established by the
100 department.

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

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

108 4. (1) State funds otherwise used for the
109 construction of permanent housing for the homeless shall be
110 used to assist such individuals with substance use, mental
111 health treatment, and other services, including short-term
112 housing. The department shall provide up to twenty-five

113 percent of the base allocation of such funds as performance
114 payments to political subdivisions or not-for-profit
115 organizations providing such services as rewards for meeting
116 predetermined goals on reductions of:

- 117 (a) Days unhoused;
- 118 (b) Days in jail or prison; and
- 119 (c) Days hospitalized, with the weights of such days
120 to be determined by the department.

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

127 5. [No person shall be permitted to use state-owned
128 lands for unauthorized sleeping, camping, or the
129 construction of long-term shelters.] **A political subdivision
130 located within a charter county or a city not within a
131 county shall, in conjunction with any law enforcement agency
132 and local continuum of care entity within its boundaries,
133 develop an ordinance, order, or policy relating to
134 encampments which shall include the following:**

135 (1) **The establishment of an encampment support team;**

136 (2) **Within five days of receiving notice of an
137 encampment, the political subdivision shall notify the
138 encampment support team to allow such entity to prepare an
139 encampment response plan to relocate the people in such
140 encampment;**

141 (3) **Within fifteen days of receiving notice of an
142 encampment from the political subdivision, the encampment
143 support team shall produce the encampment response plan;**

144 (4) Within five days of the completion of an
145 encampment response plan, the political subdivision,
146 following the encampment response plan, shall notify any
147 person living in such encampment that he or she shall be
148 relocated after thirty days of such notification;

149 (5) The political subdivision shall notify any person
150 subject to relocation from an encampment of available
151 temporary shelters and housing within the political
152 subdivision or cooperating political subdivision. Such
153 temporary shelters and housing shall include the option of
154 low-barrier-to-entry housing;

155 (6) Within thirty days from the notification by the
156 political subdivision, any person living in such encampment
157 shall relocate to temporary shelter or housing; and

158 (7) The political subdivision shall post a sign
159 prohibiting any individual from establishing a new
160 encampment at the location of the closed encampment.

161 Any person living in such encampment who is in violation of
162 this subsection shall be **guilty of** a class C misdemeanor;
163 however, for the first offense such individual shall be
164 given a warning, and no citation shall be issued unless that
165 individual refuses to move to any offered services or
166 shelter.

167 6. (1) **Except as provided in subsection 5 of this**
168 **section,** a political subdivision shall not adopt or enforce
169 any policy under which the political subdivision prohibits
170 or discourages the enforcement of any order or ordinance
171 prohibiting public camping, sleeping, or obstructions of
172 sidewalks.

173 (2) In compliance with subsection 5 of this section, a
174 political subdivision shall not prohibit or discourage a

175 peace officer or prosecuting attorney who is employed by or
176 otherwise under the direction or control of the political
177 subdivision from enforcing any order or ordinance
178 prohibiting public camping, sleeping, or obstructions of
179 sidewalks.

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

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

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

192 7. Any political subdivision with a higher per-capita
193 rate of homelessness than the state average, as determined
194 by the most recent United States census numbers for the
195 overall population and the most recent federal Department of
196 Housing and Urban Development homelessness point-in-time
197 continuum of care, as defined by 24 CFR 578.5(a), in which
198 the political subdivision is located, shall, within one year
199 of the passage of this act, receive no further state funding
200 by the department until the department determines:

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

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

206 8. The department authorized to allocate funds
207 pursuant to this section may promulgate all rules and
208 regulations to implement the provisions of this section.
209 Any rule or portion of a rule, as that term is defined in
210 section 536.010, that is created under the authority
211 delegated in this section shall become effective only if it
212 complies with and is subject to all of the provisions of
213 chapter 536 and, if applicable, section 536.028. This
214 section and chapter 536 are nonseverable and if any of the
215 powers vested with the general assembly pursuant to chapter
216 536 to review, to delay the effective date, or to disapprove
217 and annul a rule are subsequently held unconstitutional,
218 then the grant of rulemaking authority and any rule proposed
219 or adopted after January 1, 2023, shall be invalid and void.

220 9. The provisions of this section, including
221 references to the disbursement of state grants and funds,
222 shall not apply to shelters for victims of domestic violence
223 as defined in section 455.200.

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