

# HOUSE BILL NO. 545

## 102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE QUADE.

1385H.02I

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 67.2300, RSMo, relating to individuals facing homelessness, with an emergency clause.

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

Section A. Section 67.2300, RSMo, is repealed, to read as follows: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 areas designated to each individual by the agency providing the camping facilities; and~~

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

~~(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;~~

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

24 ~~(c) Provide adequate access to showers and bathroom facilities; and~~  
25 ~~(d) Be limited to occupation by each individual for a period of not~~  
26 ~~more than two years;~~

27 ~~(4) For congregate shelters housing more than four homeless~~  
28 ~~individuals in one space, state funds shall be available only to the extent the~~  
29 ~~shelter monitors and provides programs to improve the employment, income,~~  
30 ~~and prevention of return to homelessness of individuals leaving those shelters.~~  
31 ~~The department shall provide performance payments of up to ten percent for~~  
32 ~~such programs that meet guidelines as established by the department.~~

33  
34 ~~Individuals utilizing such facilities pursuant to this subsection shall be entered~~  
35 ~~into a homelessness management information system maintained by the local~~  
36 ~~continuum of care.~~

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

40 ~~4. (1) State funds otherwise used for the construction of permanent~~  
41 ~~housing for the homeless shall be used to assist such individuals with~~  
42 ~~substance use, mental health treatment, and other services, including short-~~  
43 ~~term housing. The department shall provide up to twenty five percent of the~~  
44 ~~base allocation of such funds as performance payments to political~~  
45 ~~subdivisions or not for profit organizations providing such services as~~  
46 ~~rewards for meeting predetermined goals on reductions of:~~

47 ~~(a) Days unhoused;~~  
48 ~~(b) Days in jail or prison; and~~  
49 ~~(c) Days hospitalized, with the weights of such days to be determined~~  
50 ~~by the department.~~

51 ~~(2) Political subdivisions and not for profit organizations may use~~  
52 ~~state grants otherwise used for permanent housing to conduct surveys to~~  
53 ~~identify individuals with the greatest number of days unhoused, in jail or~~  
54 ~~prison, or hospitalized but these expenses shall not exceed ten percent of the~~  
55 ~~total grant amount.~~

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

62 ~~6. (1) A political subdivision shall not adopt or enforce any policy~~  
63 ~~under which the political subdivision prohibits or discourages the enforcement~~  
64 ~~of any order or ordinance prohibiting public camping, sleeping, or obstructions~~  
65 ~~of sidewalks.~~

66 ~~(2) In compliance with subsection 5 of this section, a political~~  
67 ~~subdivision shall not prohibit or discourage a peace officer or prosecuting~~  
68 ~~attorney who is employed by or otherwise under the direction or control of the~~  
69 ~~political subdivision from enforcing any order or ordinance prohibiting public~~  
70 ~~camping, sleeping, or obstructions of sidewalks.~~

71 ~~(3) The provisions of this section shall not prohibit a policy of any~~  
 72 ~~political subdivision that encourages diversion programs or offering of~~  
 73 ~~services in lieu of a citation or arrest.~~  
 74 ~~(4) The attorney general shall have the power to bring a civil action in~~  
 75 ~~any court of competent jurisdiction against any political subdivision to enjoin~~  
 76 ~~the political subdivision from violating the provisions of this subsection.~~  
 77 ~~(5) The attorney general may recover reasonable expenses incurred in~~  
 78 ~~any civil action brought under this section, including court costs, reasonable~~  
 79 ~~attorney's fees, investigative costs, witness fees, and deposition costs.~~  
 80 ~~7. Any political subdivision with a higher per capita rate of~~  
 81 ~~homelessness than the state average, as determined by the most recent~~  
 82 ~~United States census numbers for the overall population and the most recent~~  
 83 ~~federal Department of Housing and Urban Development homelessness point-~~  
 84 ~~in-time continuum of care, as defined by 24 CFR 578.5(a), in which the~~  
 85 ~~political subdivision is located, shall, within one year of the passage of this act,~~  
 86 ~~receive no further state funding by the department until the department~~  
 87 ~~determines:~~  
 88 ~~(1) The political subdivision has a per capita rate of unsheltered~~  
 89 ~~homeless individuals at or below the state average; or~~  
 90 ~~(2) The political subdivision is in compliance with subsection 6 of this~~  
 91 ~~act.~~  
 92 ~~8. The department authorized to allocate funds pursuant to this section~~  
 93 ~~may promulgate all rules and regulations to implement the provisions of this~~  
 94 ~~section. Any rule or portion of a rule, as that term is defined in section~~  
 95 ~~536.010, that is created under the authority delegated in this section shall~~  
 96 ~~become effective only if it complies with and is subject to all of the provisions~~  
 97 ~~of chapter 536 and, if applicable, section 536.028. This section and chapter~~  
 98 ~~536 are nonseverable and if any of the powers vested with the general~~  
 99 ~~assembly pursuant to chapter 536 to review, to delay the effective date, or to~~  
 100 ~~disapprove and annul a rule are subsequently held unconstitutional, then the~~  
 101 ~~grant of rulemaking authority and any rule proposed or adopted after January~~  
 102 ~~1, 2023, shall be invalid and void.~~  
 103 ~~9. The provisions of this section, including references to the~~  
 104 ~~disbursement of state grants and funds, shall not apply to shelters for~~  
 105 ~~victims of domestic violence as defined in section 455.200.]~~

Section B. Because immediate action is necessary to protect the health and safety of  
 2 individuals facing homelessness, section A of this act is deemed necessary for the immediate  
 3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an  
 4 emergency act within the meaning of the constitution, and section A of this act shall be in full  
 5 force and effect upon its passage and approval.

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