



Initial Concerns RE: SSB 1195 and HSB 286

DIVISIONS 1 and 2: Unauthorized Use of Public Land and Public Camping

- Enforcement would burden local law enforcement and remove the ability for our law enforcement officers to prioritize their communities' biggest concerns.
- Enforcement would overcrowd already crowded jails.
- The bill does not address what would happen in the common event that a shelter is full.
- Enforcement would be costly: myriad studies show that housing costs less than unsheltered homelessness.
- Enforcement would be costly: jail costs more than service provision and housing.
- Enforcement would be costly: overtime or expanded police forces.
- Enforcement would be costly: land would need to be either removed from public use, or newly acquired to be dedicated for those experiencing unsheltered homelessness to camp.
- The bill's statewide camping ban would adversely impact domestic violence victims' ability to flee their abusers.
- Unsheltered homelessness and camping are not considered by the research, nor by providers to be a safe option for individuals experiencing homelessness. This bill diverts temporal and financial resources from the necessary work of housing individuals to a suboptimal and potentially dangerous alternative.
- There are no funding provisions regarding the significant additional law enforcement effort in these divisions, rendering this an unfunded mandate that will adversely impact the efficiency and deprioritize critical local concerns of criminal justice offices and county attorneys throughout Iowa.
- How will access to regionally available services such as behavioral health, substance abuse, and mental health treatment be provided to those in public encampments? And who will provide those services. Again, there is no accompanying funding provision, making this very detailed and complicated provision another unfunded mandate.
- Unreasonably targets urban homelessness, as rural homelessness is a concern for individuals in crisis and the communities in which they sleep.
- The bill would make exiting homelessness even more difficult, as criminal justice involvement adversely impacts the ability to find a rental unit. Ultimately, this would increase both the rate of homelessness in the state and the length of time to exit to housing.
- Currently, providers work closely with the criminal justice system as part of communities' crisis response systems. This would have a chilling effect on critical collaboration between trusted partners.
- The bill's citizen enforcement provision creates two classes of individuals, one of which has legal authority over the other.
- The bill's citizen and business enforcement provisions are unreasonably broad. There is no requirement that prospective reporters be adjacent to, interact with, or demonstrate any adverse impact due to the presence of unsheltered individuals they are deputized to report.
- Every dollar spent on formal encampments and the accompanying infrastructure requirements is a dollar diverted from data-informed, evidence-based, proven solutions to ending homelessness.
- The camping provisions remove individual freedom, ultimately creating an environment closely resembling a detention or internment camp. The most vulnerable people in the community are warehoused, rather than helped to find housing. They will lose their communities, their routines, and their sense of personal agency. The vague language of the provision could reasonably be interpreted to require that these individuals stay at the formal encampment, a guarantee that they will never be able to improve their conditions, and a violation of due process and habeas corpus.

DIVISION 3: Drug-free Homeless Service Zones

- The criminal activities outlined in the bill are already illegal, making this duplicative and unnecessary.
- Providers and facilities are accountable, by the letter of the bill, for activities occurring on others' private property and over which they have no legal right to enter, monitor, or control behaviors.

- Providers and facilities are accountable, by the letter of the bill, for activities about which they did not know and could not have known, e.g. activities occurring inside a neighboring building.
- Enforcement is unduly burdensome, as it would in most instances require hiring additional staff for the sole purpose of policing for substance presence.
- Signage requirements encompass providers that include domestic violence shelters, which is a violation of Iowa law.
- Signage requirements are unreasonably vague and could include those living in market-rate housing paying with housing subsidies. This will impact the already-decreasing number of providers who accept guaranteed, but non-cash, forms of payment.
- Increased penalties for individuals in crisis is unduly punitive with no correlating benefit, as 1) criminal justice involvement is negatively correlated with exiting homelessness and 2) increased debt would lengthen the amount of time to achieve financial stability.
- Increased penalties for the organizations working to help people experiencing homelessness (by sheltering, housing, and assisting with obtaining steady employment) will have a chilling effect on hiring and retention at these agencies, and by extension, on communities' ability to respond to homelessness.
- The bill's penalties are disproportionate. If, for example, a person unconnected to the operator/provider transferred a substance on nearby private property over which operator has no control that is 290 feet away, the operator could not receive state funding for three years. This would ultimately harm every individual in crisis in that community for the next three years. And because no discretion to deprioritize enforcement is permitted of local law enforcement, this scenario is not just likely, but imminent.
- There are no funding provisions, rendering the entirety of the text not just an unfunded mandate, but an unfunded mandate with both monetary fines and incarceration for noncompliance.
- Criminal liability for operators who provide permanent supportive housing would create conflict between existing landlord/tenant law, tenants' rights to privacy and notice, and the absolute liability implied by this bill. How would these conflicting legal requirements be resolved?
- Criminalization for not stopping an activity is omission liability, for which there is a high legal burden of proof unlikely to be met.
- The bill's criminalization of service providers would render retaining their insurance coverage nearly impossible, thereby taking experienced, established providers out of service.

DIVISION 4: Funding and Reporting Requirements

- The bill's reporting requirements duplicate already-reported metrics.
- The bill's reporting requirements are unduly burdensome to faith-based services, community groups, and smaller providers.
- The bill outlines new and substantive reporting required from entities with which there are no shared reporting agreements.
- The bill's reporting requirements are overly burdensome to IFA, the entity charged with receiving and reviewing reports.

GENERAL CONCERNS REGARDING STATUTORY DRAFTING

- The bill's extreme changes in providing services to people experiencing unsheltered homelessness, alongside the proposed criminalization provisions, would require that many, if not all, providers immediately suspend services to consult with their attorneys and insurance providers. This would be disastrous to communities throughout the state of Iowa.
- The bill's language is unreasonably vague: what is a facility? Who or what is an operator?
- The bill's language conflates shelter and housing.
- The bill disregards more than a decade of research on—and IFA's strong and principled commitment to—the most effective ways to end homelessness via low-barrier housing with wrap-around services.

Shelter House