

Senate Study Bill 3175 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GREEN)

A BILL FOR

1 An Act relating to homelessness, providing penalties, and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 16.222 State funds for
2 homelessness.

3 1. The authority shall use the state funds available under
4 this section to provide grants to political subdivisions and
5 nonprofit organizations to provide any of the following:

6 a. Parking areas, at which all of the following are
7 available:

8 (1) Access to potable water and electric outlets.

9 (2) Access to bathrooms sufficient to serve all individuals
10 utilizing the parking areas.

11 b. Camping facilities, subject to all of the following:

12 (1) Only homeless individuals may camp and store personal
13 property at the camping facility.

14 (2) Homeless individuals may only camp and store personal
15 property at the camping facility in the areas designated for
16 each homeless individual by the camping facility.

17 (3) The camping facility shall offer a mental health and
18 substance use disorder evaluation to each homeless individual
19 using the camping facility.

20 c. For individual shelters, not including shelters for
21 victims of domestic violence, that meet all of the following
22 requirements:

23 (1) Are suitable to house between one and three individuals.

24 (2) Provide basic sleeping accommodations and access to
25 electricity.

26 (3) Provide adequate access to showers and bathroom
27 facilities.

28 (4) Limit occupation by a homeless individual to not more
29 than two years.

30 d. For congregate shelters housing more than four homeless
31 individuals in one location that meet all of the following
32 requirements:

33 (1) Monitor and provide programs to improve the employment
34 and income of the homeless individuals utilizing the shelter to
35 prevent the homeless individuals' return to homelessness after

1 leaving the shelter.

2 (2) Require homeless individuals utilizing the shelter
3 to enter information required by the authority into the
4 homelessness management information system administered by the
5 institute for community alliances.

6 2. The authority may use up to twenty-five percent of
7 the state funds available under this section, that would
8 otherwise be used for construction of permanent housing for
9 the homeless, to provide performance payments to political
10 subdivisions or nonprofit organizations for substance use
11 disorder treatment, mental health treatment, and other services
12 including short-term housing, for homeless individuals. In
13 order to receive a performance payment, a political subdivision
14 or nonprofit organization shall meet the goals established by
15 the authority related to reductions for the homeless population
16 served by the political subdivision or nonprofit organization
17 in the number of days unhoused, the number of days in jail or
18 prison, and the number of days hospitalized.

19 a. A political subdivision or nonprofit organization that
20 receives performance payments under this subsection shall not
21 use more than ten percent of each performance payment received
22 to conduct surveys to identify homeless individuals with
23 the greatest number of days unhoused, in jail or prison, or
24 hospitalized.

25 b. A political subdivision determined by the authority
26 to have a higher per capita rate of homelessness than the
27 state average, as determined by the most recent homelessness
28 point-in-time count completed by the continuum of care program
29 pursuant to 24 C.F.R. pt. 578, shall not receive additional
30 state funds until the political subdivision reduces the
31 political subdivision's per capita rate of homeless individuals
32 to a rate at or below the state average.

33 3. A political subdivision or nonprofit organization that
34 receives and uses the state funds to operate a campground in
35 compliance with this section shall be immune from liability

1 for all civil claims arising out of the operation, management,
2 or other control of such campground. Such immunity shall
3 not apply to acts or omissions by the political subdivision,
4 nonprofit organization, or an agent of the political
5 subdivision or nonprofit organization, constituting negligence,
6 recklessness, or intentional misconduct.

7 4. The authority shall adopt rules pursuant to chapter 17A
8 to administer this section.

9 6. For the purposes of this section:

10 a. "*Nonprofit organization*" means an organization described
11 in the federal Internal Revenue Code, 26 U.S.C. §501(c)(3),
12 which is exempt from income taxation under 26 U.S.C. §501(a).

13 b. "*Political subdivision*" means a city, county, or
14 township.

15 c. "*State funds*" means funds appropriated by the state
16 to the authority, federal funds received by the state and
17 allocated to the authority, or federal funds received by
18 the authority for housing or services for the homeless,
19 excluding any federal funds that are restricted to purposes not
20 authorized in this section.

21 Sec. 2. NEW SECTION. 716.15 **Unauthorized use of public**
22 **land.**

23 1. A person shall not use public property for unauthorized
24 sleeping, camping, or long-term shelter. If an individual
25 knowingly violates this subsection, the individual shall be
26 issued a warning and offered services or shelter. If the
27 individual refuses to vacate the public property after being
28 issued a warning, the individual commits a simple misdemeanor.

29 2. a. A political subdivision shall not adopt or enforce
30 any policy under which the political subdivision directly or
31 indirectly prohibits or discourages the enforcement of any
32 order or ordinance prohibiting unauthorized sleeping, camping,
33 or long-term shelter on public property, or obstruction of
34 public rights-of-way, including roads and sidewalks.

35 b. A political subdivision shall not directly or indirectly

1 prohibit or discourage a peace officer or prosecuting attorney
2 who is employed by, or otherwise under the direction or control
3 of, the political subdivision from enforcing any order or
4 ordinance prohibiting unauthorized sleeping, camping, or
5 long-term shelter on public property or obstruction of public
6 rights-of-way, including roads and sidewalks.

7 3. This section shall not prohibit a policy of any political
8 subdivision that encourages diversion programs or offers
9 services in lieu of citation or arrest.

10 4. a. The attorney general may bring a civil action in
11 any court of competent jurisdiction against any political
12 subdivision to enjoin the political subdivision from violating
13 this section.

14 b. The attorney general may recover reasonable expenses
15 incurred in any civil action brought under this section,
16 including court costs, reasonable attorney fees, investigative
17 costs, witness fees, and deposition costs.

18 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
19 2025.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to state funds for homelessness.

24 The bill defines "state funds" to mean funds appropriated by
25 the state to the Iowa finance authority (authority), federal
26 funds received by the state and allocated to the authority,
27 or federal funds received by the authority for housing or
28 services for the homeless, excluding any federal funds that are
29 restricted to purposes not authorized in the bill.

30 The bill requires the authority to use state funds to provide
31 grants to political subdivisions (subdivisions) and nonprofit
32 organizations (organizations) to provide parking areas, camping
33 facilities, individual shelters, and congregate shelters
34 for homeless individuals subject to certain criteria. The
35 authority may use up to 25 percent of the state funds received

1 by the authority under the bill, that would otherwise be used
2 for construction of permanent housing for the homeless, to
3 provide performance payments to subdivisions or organizations
4 for substance use disorder treatment, mental health treatment,
5 and other services including short-term housing, for homeless
6 individuals. In order to receive a performance payment, a
7 subdivision or organization shall meet the goals established
8 by the department related to reductions for the homeless
9 population served by the subdivision or organization in
10 the number of days unhoused, the number of days in jail or
11 prison, and the number of days hospitalized. A subdivision
12 or organization that receives performance payments shall not
13 use more than 10 percent of each payment received to conduct
14 surveys to identify homeless individuals with the greatest
15 number of days unhoused, in jail or prison, or hospitalized.
16 A subdivision determined to have a higher per capita rate
17 of homelessness than the state average shall not receive
18 additional state funds until the subdivision reduces the
19 subdivision's per capita rate of homeless individuals to a rate
20 at or below the state average.

21 A subdivision or organization that receives state funds and
22 uses the state funds to operate a campground in compliance
23 with the bill shall be immune from liability for all civil
24 claims, arising out of the operation, management, or other
25 control of such campground. Such immunity shall not apply to
26 acts or omissions by the subdivision or organization or their
27 agents constituting negligence, recklessness, or intentional
28 misconduct.

29 The bill requires the authority to adopt administrative
30 rules to administer the bill.

31 The bill prohibits a person from using public property
32 for unauthorized sleeping, camping, or long-term shelter.
33 If an individual knowingly violates this provision, the
34 individual shall be provided a warning and offered services
35 or shelter. If the individual refuses to vacate the public

1 property, the individual commits a simple misdemeanor. The
2 bill also prohibits a subdivision from adopting or enforcing
3 any policy under which the subdivision directly or indirectly
4 prohibits or discourages the enforcement of any order or
5 ordinance prohibiting unauthorized sleeping, camping, or
6 long-term shelter on public property, or obstruction of public
7 rights-of-way, including roads and sidewalks. A subdivision
8 shall not directly or indirectly prohibit or discourage a
9 peace officer or prosecuting attorney who is employed by, or
10 otherwise under the direction or control of, the subdivision
11 from enforcing any order or ordinance prohibiting unauthorized
12 sleeping, camping, or long-term shelter on public property or
13 the obstruction of public rights-of-way, including roads and
14 sidewalks.

15 The bill does not prohibit a policy of any subdivision that
16 encourages diversion programs or offers services in lieu of
17 citation or arrest.

18 The attorney general may bring a civil action against
19 any subdivision to enjoin the subdivision from violating the
20 bill, and the attorney general may recover reasonable expenses
21 incurred in any civil action brought under the bill.

22 The bill takes effect January 1, 2025.