

Senate Study Bill 1195 - Introduced

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

A BILL FOR

1 An Act relating to homelessness including unauthorized use of
2 public land, sanctioned camping, drug-free homeless service
3 zones, and funding for homeless services, and providing
4 penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

UNAUTHORIZED USE OF PUBLIC LAND

Section 1. NEW SECTION. **716.15 Unauthorized use of public land.**

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

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

b. A political subdivision shall not directly or indirectly prohibit or discourage a peace officer or prosecuting attorney who is employed by, or otherwise under the direction or control of, the political subdivision from enforcing any order or ordinance prohibiting unauthorized sleeping, camping, or long-term shelter on public property or obstruction of public rights-of-way, including roads and sidewalks.

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

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

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

DIVISION II

PUBLIC CAMPING — COUNTIES AND CITIES

1 Sec. 2. Section 331.301, Code 2025, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 27. a. A county may adopt or enforce an
4 ordinance, motion, resolution, or amendment designating portions
5 of public property within its jurisdiction, for periods not
6 to exceed one year, to be used for public camping by persons
7 experiencing unsheltered homelessness. Such an ordinance,
8 motion, resolution, or amendment shall include the following
9 standards and requirements:

10 (1) A list of residents must be kept identifying the names
11 and dates of persons using the public camping location.

12 (2) Specific sublots, parking spots, or other designated
13 areas must be assigned to each person or family.

14 (3) Property and personal safety and security measures shall
15 be established.

16 (4) Sanitization measures shall be established including
17 providing residents, at a minimum, clean and running water,
18 restrooms, and a location to shower.

19 (5) Access shall be provided to regionally available services
20 such as behavioral health, substance abuse, and mental health
21 treatment.

22 (6) Alcoholic beverages and all illegal substances shall be
23 banned from the public camping location.

24 (7) All other federal, state, and local laws, ordinances, and
25 resolutions are applicable and shall be enforced.

26 b. The attorney general, or a resident or a business owner
27 of the county, may seek an injunction to enforce the requirements
28 of this subsection or may initiate other proceedings in district
29 court. If the resident or business owner prevails, the court
30 may award reasonable expenses to be paid by the county including
31 but not limited to court costs, attorney fees, and any and all
32 costs associated with the proceedings. Prior to seeking an
33 injunction, the resident or business owner shall provide written
34 notice to the county that an alleged violation of paragraph "a"
35 has occurred and allow the county at least five business days to

1 cure the violation.

2 c. This subsection is not applicable to any other type of
3 camping or campgrounds authorized under local, state, or federal
4 laws and regulations. Nothing in this subsection shall be
5 construed to restrict the state nor any county from authorizing,
6 maintaining, or allowing temporary camping on a public or private
7 campsite.

8 d. For purposes of this subsection:

9 (1) "Campsite" means a location on public or private grounds
10 designated for recreational overnight use for limited durations.

11 (2) "Public camping" means sleeping, occupying, or otherwise
12 using public property as a substitute for a shelter.

13 (3) "Unsheltered homelessness" means the state of using
14 private or public property as a nontraditional primary residence.
15 Areas and objects that are traditionally not used as a primary
16 residence include but are not limited to vehicles, public parks,
17 abandoned buildings, bus or train stations, and airport property.

18 Sec. 3. Section 364.2, Code 2025, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 7. a. A city may adopt or enforce an
21 ordinance, motion, resolution, or amendment designating portions
22 of public property within its jurisdiction, for periods not
23 to exceed one year, to be used for public camping by persons
24 experiencing unsheltered homelessness. Such an ordinance,
25 motion, resolution, or amendment shall include the following
26 standards and requirements:

27 (1) A list of residents must be kept identifying the names
28 and dates of persons using the public camping location.

29 (2) Specific sublots, parking spots, or other designated
30 areas must be assigned to each person or family.

31 (3) Property and personal safety and security measures shall
32 be established.

33 (4) Sanitization measures shall be established including
34 providing residents, at a minimum, clean and running water,
35 restrooms, and a location to shower.

1 (5) Access shall be provided to regionally available services
2 such as behavioral health, substance abuse, and mental health
3 treatment.

4 (6) Alcoholic beverages and all illegal substances shall be
5 banned from the public camping location.

6 (7) All other federal, state, and local laws, ordinances, and
7 resolutions are applicable and shall be enforced.

8 b. The attorney general, or a resident or a business owner
9 of the city, may seek an injunction to enforce the requirements
10 of this subsection or may initiate other proceedings in district
11 court. If the resident or business owner prevails, the court may
12 award reasonable expenses to be paid by the city including but
13 not limited to court costs, attorney fees, and any and all costs
14 associated with the proceedings. Prior to seeking an injunction,
15 the resident or business owner shall provide written notice to
16 the city that an alleged violation of paragraph "a" has occurred
17 and allow the city at least five business days to cure the
18 violation.

19 c. This subsection is not applicable to any other type of
20 camping or campgrounds authorized under local, state, or federal
21 laws and regulations. Nothing in this subsection shall be
22 construed to restrict the state nor any city from authorizing,
23 maintaining, or allowing temporary camping on a public or private
24 campsite.

25 d. For purposes of this subsection:

26 (1) "Campsite" means a location on public or private grounds
27 designated for recreational overnight use for limited durations.

28 (2) "Public camping" means sleeping, occupying, or otherwise
29 using public property as a substitute for a shelter.

30 (3) "Unsheltered homelessness" means the state of using
31 private or public property as a nontraditional primary residence.
32 Areas and objects that are traditionally not used as a primary
33 residence include but are not limited to vehicles, public parks,
34 abandoned buildings, bus or train stations, and airport property.

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DIVISION III

1 DRUG-FREE HOMELESS SERVICE ZONES

2 Sec. 4. NEW SECTION. **716.16 Drug-free homeless service**
3 **zones.**

4 1. A person commits a violation of this section if the person
5 intentionally or knowingly does any of the following:

6 a. The person is present within a drug-free homeless service
7 zone and sells or transfers or attempts to sell or transfer a
8 controlled substance.

9 b. The person operates or has authority to enforce the
10 policies and requirements of a facility-based drug-free homeless
11 service zone that primarily serves homeless individuals and that
12 receives state, local, or federal funding, and the person allows
13 an individual accessing services to possess or use a controlled
14 substance on the premises of the facility.

15 2. An offense under subsection 1, paragraph "a", is
16 punishable as the same class of criminal violation for which
17 the offense would be punishable under existing law had the
18 violation not occurred within a drug-free homeless service zone,
19 except that the presumptive, minimum, and maximum sentence for
20 the offense shall be increased by one year. The additional
21 sentence imposed under this subsection is in addition to any
22 enhanced punishment that may be applicable under subsection 4.
23 Notwithstanding any other law to the contrary, a person convicted
24 under this section is not eligible for a deferred judgment,
25 deferred or suspended sentence, probation, or work release.

26 3. A person who violates subsection 1, paragraph "b", is
27 guilty of an aggravated misdemeanor.

28 4. An operator of a facility-based drug-free homeless service
29 zone who violates subsection 1, paragraph "b", is ineligible to
30 apply for homelessness assistance grants from the state for a
31 period of three years from the date of conviction.

32 5. In addition to any other penalty, a person convicted of an
33 offense under this title shall be punished by a fine of not less
34 than two thousand dollars or three times the value as determined
35 by the court of the drugs involved in or giving rise to the

1 offense, whichever is greater. No fine under this subsection
2 shall be suspended, in part or whole, for any reason.

3 6. Each operator of a facility-based service that primarily
4 serve homeless individuals shall place and maintain permanently
5 affixed signs located in a conspicuous manner clearly visible to
6 the public at the main entrance of the facility that identifies
7 the building and its accompanying grounds as a drug-free homeless
8 service zone. Such signs shall be written in both English and
9 Spanish and in contrasting colors with block letters at least one
10 inch in height.

11 7. For the purposes of this section:

12 a. "Drug-free homeless service zone" means the area within
13 three hundred feet of the premises of a facility-based service.

14 b. "Facility-based service" means any emergency or temporary
15 shelter, transitional housing provider, or permanent supportive
16 housing entity that receives government funding for the purpose
17 of providing shelter to homeless persons.

18 c. "Operator" means the sole proprietorship, organization,
19 association, corporation, partnership, joint venture, limited
20 partnership, limited liability partnership, limited liability
21 company, or other entity or business association that is the
22 direct recipient of government funding for the provision of
23 facility-based services.

24 DIVISION IV

25 FUNDING FOR HOMELESS SHELTERS — ANNUAL REPORTS

26 Sec. 5. NEW SECTION. **16.5G Homelessness funding — annual**
27 **reports.**

28 1. As used in this section unless the context requires
29 otherwise:

30 a. "Coordinating entity" means the state, any political
31 subdivision, or any continuum of care program as recognized by
32 the United States department of housing and urban development and
33 the collaborative applicant of the continuum of care program.

34 b. "Service provider" means a nonprofit, nongovernmental
35 homeless service provider, including but not limited to a

1 homeless shelter, a homeless service or advocacy program,
2 or a tribal organization, coalition, or other nonprofit,
3 nongovernmental organization carrying out a community-based
4 homeless or housing program that has a documented history of
5 effective work concerning homelessness, or that receives state or
6 federal funding to address homelessness.

7 *c. "Type of service"* means an identifiable outcome expected
8 from the disbursement of moneys intended to address a specific
9 purpose in combating homelessness, including but not limited to
10 the provision of housing and emergency shelter, case management,
11 outreach and navigation efforts, job acquisition, or behavioral
12 health counseling.

13 2. A coordinating entity that received funding in the
14 immediately preceding fiscal year for the purpose of combating
15 homelessness shall annually report to the authority all of the
16 following:

17 *a.* A comprehensive overview of all of the following:

18 (1) The coordinating entity's overall homelessness response
19 plan that prioritizes strategies intended to reduce the number
20 of unsheltered individuals and families, including the overall
21 measurable goal of the response plan and any specific measurable
22 outcomes to reduce the number of unsheltered people and achieve
23 such goal.

24 (2) The coordinating entity's financial award process,
25 including the extent to which prior performance affects financial
26 awards and accountability and affects referrals to service
27 providers to ensure that individuals experiencing homelessness
28 who are in need of services receive appropriate services.

29 (3) The coordinating entity's efforts to avoid duplication of
30 services and method of reporting progress in attaining positive
31 outcomes for bed utilization, outreach and referral activities,
32 and participation in rehabilitative and employment attainment
33 programs.

34 (4) The coordinating entity's tracking and management system
35 for financial awards, billing, and invoicing; estimating the

1 number of individuals and households experiencing homelessness;
2 determining the acuity levels of individuals participating in
3 homelessness assistance programs; and coordinating shelter and
4 permanent supportive housing placement.

5 b. An overview of the homeless population served by the
6 coordinating entity including all of the following:

7 (1) The types of homelessness occurring in the region served
8 by the coordinating entity.

9 (2) The subpopulations of homeless individuals, including
10 but not limited to individuals who have recently been
11 incarcerated, are victims of domestic violence, have a
12 disability, are seriously mentally ill, are chronically homeless,
13 are experiencing substance use disorder, and other pertinent
14 characteristics of homelessness.

15 (3) The type of services provided by the coordinating
16 entity and made available for each subpopulation of individuals
17 experiencing homelessness.

18 (4) The types of housing and shelter provided and made
19 available by the coordinating entity for each subpopulation of
20 individuals experiencing homelessness.

21 (5) The number of distinct individuals served by the
22 coordinating entity during the immediately preceding fiscal year.

23 (6) The number of beds and units of each shelter type created
24 or maintained by the coordinating entity in the immediately
25 preceding fiscal year.

26 (7) The number of beds and units of each shelter type
27 eliminated, if any, in the immediately preceding fiscal year by
28 each service provider.

29 (8) For each service provider, the number of individuals who
30 successfully transitioned from each of the following:

31 (a) Independent shelter.

32 (b) Permanent supportive housing.

33 (c) Market rate housing.

34 (d) Transitional housing.

35 (e) Other housing.

1 c. The total amount of funding received by the coordinating
2 entity for the purpose of combating homelessness, and for each
3 identified funding source, provide the following:

4 (1) The source of the funding.

5 (2) The recipients and subrecipients of the funding.

6 (3) The amount of funding received from each funding source.

7 (4) The type of services each funding source intended to
8 support with the moneys provided, if applicable.

9 (5) Any restrictions on the use of moneys received from each
10 funding source, if applicable.

11 d. All moneys disbursed for the purpose of combating
12 homelessness, including all of the following:

13 (1) The total moneys disbursed to each service provider and
14 the funding source.

15 (2) The total moneys disbursed to service providers, per
16 type of service, per funding source, and the total number of
17 individuals served by each service provider per type of service
18 during the immediately preceding fiscal year.

19 (3) The average cost per unit of service that was
20 successfully delivered.

21 e. The total funding disbursed for each subpopulation of
22 homeless individual, per type of service.

23 f. Ancillary funding provided for indirect homelessness
24 support efforts, including but not limited to all of the
25 following:

26 (1) Emergency room usage.

27 (2) Emergency service usage.

28 (3) Sanitation.

29 (4) Code enforcement.

30 (5) Mental health and substance use treatment.

31 3. Each service provider shall annually report to the
32 authority all of the following:

33 a. The service provider's audit and related records as
34 required by 2 C.F.R. §200.501.

35 b. For service providers providing housing services, the

1 provider's success rate helping homeless individuals achieve
2 independent shelter.

3 c. For service providers providing vocational services, the
4 provider's success rate helping homeless individuals with job
5 acquisition.

6 d. For service providers providing mental and physical health
7 care, the provider's success rate helping homeless individuals
8 reduce emergency room usage and increase management or treatment
9 of substance use disorder, as applicable.

10 e. For service providers providing mental and physical health
11 care, the provider's success rate helping homeless individuals
12 reduce emergency room usage and increase management or treatment
13 of severe mental illness, as applicable.

14 f. For service providers providing emergency shelter and
15 service providers providing transitional housing, all of the
16 following:

17 (1) Retention rates per night per occupied bed.

18 (2) Occupancy rate based on total available capacity, on
19 average.

20 (3) Frequency and number of individuals denied shelter each
21 night.

22 (4) Cost of unit delivery, per night.

23 (5) Outcomes of individual's exits from shelter, including
24 aggregate reason and individual's new location.

25 (6) Efforts by a shelter and service provider to support
26 independent shelter, job acquisition, and management or
27 elimination of substance use disorders or severe mental
28 illnesses.

29 (7) Types of services provided or facilitated by a shelter
30 provider.

31 (8) Prevalence of violence.

32 (9) Prevalence of unintended death.

33 (10) Prevalence of mortality and morbidity.

34 g. For service providers providing safe haven and service
35 providers providing rapid rehousing, all of the following:

- 1 (1) Retention rates per night per occupied bed.
- 2 (2) Occupancy rate based on total available capacity, on
3 average.
- 4 (3) Cost of unit delivery, per night.
- 5 (4) Outcomes of individuals' exits from shelter, including
6 aggregate reason and each individual's new location.
- 7 (5) Efforts by a shelter and service provider to support
8 independent shelter, job acquisition, and management or
9 elimination of substance use disorders or severe mental
10 illnesses.
- 11 (6) Types of services provided or facilitated by a shelter
12 provider.
- 13 (7) Prevalence of violence.
- 14 (8) Prevalence of unintended death.
- 15 (9) Prevalence of mortality and morbidity.
- 16 h. For service providers providing permanent supportive
17 housing, all of the following:
 - 18 (1) Retention rates per month of service provided.
 - 19 (2) Occupancy rate based on total available capacity, on
20 average.
 - 21 (3) Cost of unit delivery, per month.
 - 22 (4) Outcomes of individuals' exits from shelter, including
23 aggregate reason and each individual's new location.
 - 24 (5) Efforts by a service provider to support independent
25 shelter, job acquisition, and management or elimination of
26 substance use disorders or severe mental illnesses.
 - 27 (6) Types of service provided or facilitated by a shelter
28 provider.
 - 29 (7) Prevalence of violence.
 - 30 (8) Prevalence of unintended death.
 - 31 (9) Prevalence of mortality and morbidity.
- 32 4. The authority shall make the reports submitted under this
33 section publicly available on the authority's internet site.

34 EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to homelessness including unauthorized use
3 of public land, sanctioned camping, drug-free homeless service
4 zones, and funding for homeless services.

5 DIVISION I — UNAUTHORIZED USE OF PUBLIC LAND. The bill
6 prohibits a person from using public property for unauthorized
7 sleeping, camping, or long-term shelter. If an individual
8 knowingly violates this provision, the individual shall be
9 provided a warning and offered services or shelter. If the
10 individual refuses to vacate the public property, the individual
11 commits a simple misdemeanor. A simple misdemeanor is punishable
12 by confinement for no more than 30 days and a fine of at least
13 \$105 but not more than \$855.

14 The bill also prohibits a political subdivision from adopting
15 or enforcing any policy under which the political subdivision
16 directly or indirectly prohibits or discourages the enforcement
17 of any order or ordinance prohibiting unauthorized sleeping,
18 camping, or long-term shelter on public property, or obstruction
19 of public rights-of-way, including roads and sidewalks. A
20 political subdivision shall not directly or indirectly prohibit
21 or discourage a peace officer or prosecuting attorney who is
22 employed by, or otherwise under the direction or control of,
23 the political subdivision from enforcing any order or ordinance
24 prohibiting unauthorized sleeping, camping, or long-term shelter
25 on public property or the obstruction of public rights-of-way,
26 including roads and sidewalks.

27 The bill does not prohibit a policy of any political
28 subdivision that encourages diversion programs or offers services
29 in lieu of citation or arrest.

30 The attorney general may bring a civil action against any
31 political subdivision to enjoin the political subdivision from
32 violating the bill, and the attorney general may recover
33 reasonable expenses incurred in any civil action brought under
34 the bill.

35 DIVISION II — PUBLIC CAMPING — COUNTIES AND CITIES. The bill

1 allows a county or city to adopt or enforce an ordinance, motion,
2 resolution, or amendment designating portions of public property
3 within its jurisdiction, for periods not to exceed one year, to
4 be used for public camping by persons experiencing unsheltered
5 homelessness. The ordinance, motion, or resolution shall include
6 the following standards and requirements: a list of residents
7 must be kept identifying the names and dates of persons using
8 the public camping location; specific sublots, parking spots, or
9 other designated areas must be assigned to each person or family;
10 property and personal safety and security measures shall be
11 established; sanitization measures shall be established including
12 providing residents, at a minimum, clean and running water,
13 restrooms, and a location to shower; access shall be provided
14 to regionally available services such as behavioral health,
15 substance abuse, and mental health treatment; alcoholic beverages
16 and all illegal substances shall be banned from the public
17 camping location; and all other federal, state, and local laws,
18 ordinances, and resolutions are applicable and shall be enforced.
19 The attorney general, or a resident or a business owner of the
20 county may seek an injunction to enforce the requirements of the
21 bill or may initiate other proceedings in district court. If
22 the resident or business owner prevails, the court may award
23 reasonable expenses to be paid by the county or city including
24 but not limited to court costs, attorney fees, and any and all
25 costs associated with the proceedings. Prior to seeking an
26 injunction, the resident or business owner shall provide written
27 notice to the county or city that an alleged violation of the
28 bill has occurred and allow the county at least five business
29 days to cure the violation. The bill does not apply to any other
30 type of camping or campgrounds authorized under local, state,
31 or federal laws and regulations. The bill defines "camping",
32 "public camping", and "unsheltered homelessness".

33 DIVISION III — DRUG-FREE HOMELESS SERVICE ZONES. The bill
34 prohibits a person from intentionally or knowingly doing any of
35 the following: the person sells or transfers or attempts to

1 sell or transfer a controlled substance while present within
2 a drug-free homeless service zone; or the person operates or
3 has authority to enforce the policies and requirements of a
4 facility-based drug-free service zone that primarily serves
5 homeless individuals and that receives state, local, or federal
6 funding, and the person allows an individual accessing services
7 to possess or use a controlled substance on the premises of the
8 facility.

9 The bill provides that a person who sells or transfers
10 a controlled substance, or attempts to sell or transfer a
11 controlled substance within a drug-free homeless service zone is
12 punishable as the same class of criminal violation for which the
13 offense would be punishable under existing law had the violation
14 not occurred within a drug-free homeless service zone, except
15 that the minimum and maximum sentence for the offense shall be
16 increased by one year. A person convicted of this offense is not
17 eligible for a deferred judgment, deferred or suspended sentence,
18 probation, or work release.

19 The bill provides that a person who operates or has authority
20 to enforce the policies and requirements of a facility-based
21 drug-free service zone who allows an individual accessing
22 services to possess or use a controlled substance on the premises
23 of the facility is guilty of an aggravated misdemeanor. An
24 aggravated misdemeanor is punishable by confinement for no more
25 than two years and a fine of at least \$855 but not more than
26 \$8,540. An operator of a facility-based drug-free service zone
27 who violates the bill is ineligible to apply for homelessness
28 assistance grants from the state for a period of three years from
29 the date of conviction.

30 The bill provides that in addition to any other penalty, a
31 person convicted of an offense under the bill shall be punished
32 by a fine of not less than \$2,000 or three times the value
33 as determined by the court of the drugs involved in or giving
34 rise to the offense, whichever is greater. The fine may not be
35 suspended, in part or whole, for any reason.

1 The bill requires the operator of a facility-based service
2 that primarily serves homeless individuals to place and maintain
3 permanently affixed signs located in a conspicuous manner clearly
4 visible to the public at the main entrance of the facility
5 that identifies the building and its accompanying grounds as a
6 drug-free homeless service zone. Such signs shall be written
7 in both English and Spanish and in contrasting colors with block
8 letters at least one inch in height.

9 The bill defines "drug-free homeless service zone",
10 "facility-based services", and "operator".

11 DIVISION IV — FUNDING FOR HOMELESS SERVICES — ANNUAL
12 REPORTS. Under the bill, a coordinating entity that received
13 funding in the immediately preceding fiscal year for the purpose
14 of combating homelessness shall annually report to the Iowa
15 finance authority all of the information required by the bill,
16 including certain comprehensive overviews, an overview of the
17 homeless population served by the coordinating entity, the total
18 amount of moneys received by the coordinating entity, and details
19 regarding how the moneys were disbursed for the purpose of
20 combating homelessness.

21 Under the bill, each service provider shall annually report to
22 the Iowa finance authority all of the information required by the
23 bill for the type of service as well as the service provider's
24 audit and related records. The Iowa finance authority shall make
25 the reports publicly available on the authority's internet site.

26 The bill defines "coordinating entity", "service provider",
27 and "type of service".