

REFERENCE TITLE: homelessness; housing; facilities

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2284

Introduced by
Representative Livingston

AN ACT

AMENDING TITLE 41, CHAPTER 37, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-3956; RELATING TO HOMELESSNESS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 37, article 2, Arizona Revised
3 Statutes, is amended by adding section 41-3956, to read:

4 41-3956. Homelessness; facilities; campgrounds; shelters;
5 requirements; political subdivisions; civil
6 actions; rules; violation; classification

7 A. THE DEPARTMENT SHALL ACCEPT AND ALLOCATE MONIES THAT ARE
8 APPROPRIATED BY THE LEGISLATURE FOR SERVICES FOR INDIVIDUALS EXPERIENCING
9 HOMELESSNESS. MONIES SHALL BE USED FOR ALL OF THE FOLLOWING:

10 1. PARKING AREAS THAT HAVE ACCESS TO POTABLE WATER, ELECTRIC
11 OUTLETS AND BATHROOMS THAT ARE SUFFICIENT TO SERVE THAT PARKING AREA.

12 2. CAMPING FACILITIES THAT ARE LIMITED TO INDIVIDUALS EXPERIENCING
13 HOMELESSNESS AND EACH INDIVIDUAL'S PERSONAL PROPERTY. INDIVIDUALS
14 EXPERIENCING HOMELESSNESS MAY CAMP AND STORE PERSONAL PROPERTY ONLY AT
15 FACILITIES IN AREAS DESIGNATED BY THE AGENCY PROVIDING THE CAMPING
16 FACILITY. EACH CAMPING FACILITY SHALL OFFER MENTAL HEALTH AND SUBSTANCE
17 ABUSE EVALUATIONS AS DESIGNATED BY A STATE OR LOCAL AGENCY.

18 3. INDIVIDUAL SHELTERS THAT MEET ALL OF THE FOLLOWING:

19 (a) ARE SUITABLE TO HOUSE NOT MORE THAN THREE INDIVIDUALS.

20 (b) PROVIDE BASIC SLEEPING ACCOMMODATIONS AND ACCESS TO
21 ELECTRICITY.

22 (c) PROVIDE ADEQUATE ACCESS TO SHOWERS AND BATHROOM FACILITIES.

23 (d) ALLOW INDIVIDUALS TO OCCUPY THE SHELTER FOR NOT MORE THAN TWO
24 YEARS.

25 4. SHELTERS THAT HOUSE AT LEAST FOUR INDIVIDUALS IN A SINGLE SPACE
26 AND THAT MONITOR AND PROVIDE PROGRAMS TO IMPROVE THE EMPLOYMENT AND INCOME
27 OF AND TO PREVENT A RETURN TO HOMELESSNESS FOR ALL INDIVIDUALS LEAVING THE
28 SHELTERS.

29 B. THE DEPARTMENT SHALL PRIORITIZE SPENDING FOR ALL OF THE PURPOSES
30 PRESCRIBED IN SUBSECTION A OF THIS SECTION BEFORE SPENDING MONIES ON
31 PERMANENT HOUSING FOR INDIVIDUALS EXPERIENCING HOMELESSNESS.

32 C. THE OWNER OF A PRIVATE CAMPGROUND DESCRIBED IN SUBSECTION A OF
33 THIS SECTION OR AN EMPLOYEE OR OFFICER OF THE PRIVATE CAMPGROUND IS NOT
34 LIABLE IN ANY CIVIL ACTION THAT ARISES OUT OF THE OWNERSHIP, OPERATION OR
35 MANAGEMENT OF THE CAMPGROUND UNLESS THE CLAIM INVOLVES INTENTIONAL OR
36 GROSSLY NEGLIGENT CONDUCT.

37 D. THE DEPARTMENT MAY USE MONIES APPROPRIATED BY THE LEGISLATURE TO
38 CONSTRUCT PERMANENT HOUSING FOR INDIVIDUALS EXPERIENCING HOMELESSNESS AND
39 TO ASSIST INDIVIDUALS EXPERIENCING HOMELESSNESS WITH SUBSTANCE ABUSE
40 TREATMENT, MENTAL HEALTH TREATMENT AND ANY OTHER SERVICES, INCLUDING
41 SHORT-TERM HOUSING. THE DEPARTMENT SHALL PROVIDE NOT MORE THAN
42 TWENTY-FIVE PERCENT OF THE BASELINE ALLOCATION OF ANY MONIES IT RECEIVES
43 FOR SERVICES FOR INDIVIDUALS EXPERIENCING HOMELESSNESS TO POLITICAL

1 SUBDIVISIONS IN THIS STATE OR NONPROFIT ORGANIZATIONS THAT PROVIDE
2 SERVICES FOR INDIVIDUALS EXPERIENCING HOMELESSNESS TO REDUCE:
3 1. DAYS SPENT WITHOUT HOUSING.
4 2. DAYS IN JAIL OR IN PRISON.
5 3. DAYS HOSPITALIZED.
6 E. ANY POLITICAL SUBDIVISION THAT HAS A HIGHER PER CAPITA RATE OF
7 HOMELESSNESS THAN THE STATE AVERAGE AS DETERMINED BY THE MOST RECENT
8 UNITED STATES DECENNIAL CENSUS AND THAT RECEIVES MONIES PURSUANT TO THIS
9 SECTION MAY NOT RECEIVE ANY FURTHER FUNDING UNDER THIS SECTION UNTIL THE
10 DEPARTMENT DETERMINES THE FOLLOWING:
11 1. THE POLITICAL SUBDIVISION HAS A PER CAPITA RATE OF INDIVIDUALS
12 EXPERIENCING HOMELESSNESS AT OR BELOW THE STATE AVERAGE.
13 2. THE POLITICAL SUBDIVISION IS IN COMPLIANCE WITH SUBSECTION G OF
14 THIS SECTION.
15 F. A PERSON MAY NOT USE OR ALLOW TO BE USED STATE OR LOCAL
16 GOVERNMENT OWNED LANDS FOR ANY UNAUTHORIZED SLEEPING, CAMPING OR LONG-TERM
17 SHELTER. A PERSON WHO VIOLATES THIS SUBSECTION SHALL RECEIVE A WARNING
18 FOR THE FIRST OFFENSE, AND NO CITATION SHALL BE ISSUED. A SECOND OR
19 SUBSEQUENT VIOLATION OF THIS SECTION IS A CLASS 3 MISDEMEANOR, EXCEPT THAT
20 SERVICES OR SHELTER MAY BE OFFERED IN LIEU OF A CRIMINAL CITATION IF THE
21 INDIVIDUAL DOES NOT CONTINUE TO USE THE LAND FOR PROHIBITED PURPOSES.
22 G. A POLITICAL SUBDIVISION MAY NOT:
23 1. ADOPT OR ENFORCE ANY POLICIES THAT DIRECTLY OR INDIRECTLY
24 PROHIBIT OR DISCOURAGE THE ENFORCEMENT OF ANY ORDER OR ORDINANCE THAT
25 PROHIBITS PUBLIC CAMPING OR SLEEPING OR OBSTRUCTING A PUBLIC RIGHT-OF-WAY,
26 INCLUDING ROADS AND SIDEWALKS.
27 2. DIRECTLY OR INDIRECTLY PROHIBIT OR DISCOURAGE A PEACE OFFICER OR
28 PROSECUTING ATTORNEY WHO IS EMPLOYED BY OR UNDER THE DIRECTION OR CONTROL
29 OF THE POLITICAL SUBDIVISION FROM ENFORCING ANY ORDER OR ORDINANCE THAT
30 PROHIBITS PUBLIC CAMPING OR SLEEPING OR OBSTRUCTING A PUBLIC RIGHT-OF-WAY,
31 INCLUDING ROADS AND SIDEWALKS.
32 H. THIS SECTION DOES NOT PROHIBIT A POLITICAL SUBDIVISION FROM
33 OFFERING DIVERSION PROGRAMS OR SERVICES INSTEAD OF ISSUING A CITATION OR
34 MAKING AN ARREST IF THE INDIVIDUAL DOES NOT CONTINUE TO USE THE LAND FOR
35 PROHIBITED PURPOSES.
36 I. THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION IN ANY COURT OF
37 COMPETENT JURISDICTION AGAINST ANY POLITICAL SUBDIVISION TO ENJOIN THE
38 POLITICAL SUBDIVISION FROM VIOLATING ANY PROVISION OF THIS SECTION. THE
39 ATTORNEY GENERAL MAY RECOVER REASONABLE EXPENSES INCURRED IN ANY CIVIL
40 ACTION BROUGHT UNDER THIS SECTION, INCLUDING COURT COSTS, ATTORNEY FEES,
41 INVESTIGATIVE COSTS, WITNESS FEES AND DEPOSITION COSTS.
42 J. THE DEPARTMENT SHALL ADOPT RULES NECESSARY TO CARRY OUT THIS
43 SECTION.

1 Sec. 2. Severability

2 If a provision of this act or its applications to any person or
3 circumstance is held invalid, the invalidity does not affect other
4 provisions or applications of the act that can be given effect without the
5 invalid provision or application, and to this end the provisions of this
6 act are severable.

7 Sec. 3. Effective date

8 This act is effective from and after December 31, 2023.