

Senate Engrossed House Bill

~~appropriation; correction officers; retention bonus~~  
(now: street encampments; safety; health requirements)

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

# HOUSE BILL 2649

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.49; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-269.27; RELATING TO HOMELESS ENCAMPMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,  
3 is amended by adding section 9-500.49, to read:

4 9-500.49. Homeless encampments; requirements; applicability;  
5 definition

6 A. IF A MUNICIPALITY ESTABLISHES, ALLOWS THE ESTABLISHMENT OF OR  
7 FAILS TO DISBAND, WITHIN A REASONABLE PERIOD OF TIME, A HOMELESS  
8 ENCAMPMENT EITHER ON PRIVATE PROPERTY IN VIOLATION OF MUNICIPAL  
9 REGULATIONS OR ON PUBLIC PROPERTY, THE MUNICIPALITY SHALL PROVIDE ALL OF  
10 THE FOLLOWING AT THE HOMELESS ENCAMPMENT:

11 1. AT LEAST TWO TEMPORARY OR PERMANENT TOILETS. IF A HOMELESS  
12 ENCAMPMENT HAS ONE HUNDRED OR MORE RESIDENTS, THE MUNICIPALITY SHALL  
13 PROVIDE TWO ADDITIONAL TOILETS. IF A HOMELESS ENCAMPMENT EXCEEDS ONE  
14 HUNDRED RESIDENTS, THE MUNICIPALITY SHALL PROVIDE TWO ADDITIONAL TOILETS  
15 FOR EVERY ADDITIONAL ONE HUNDRED RESIDENTS.

16 2. AT LEAST TWO TEMPORARY OR PERMANENT HANDWASHING UNITS. IF A  
17 HOMELESS ENCAMPMENT HAS ONE HUNDRED OR MORE RESIDENTS, THE MUNICIPALITY  
18 SHALL PROVIDE TWO ADDITIONAL HANDWASHING UNITS. IF A HOMELESS ENCAMPMENT  
19 EXCEEDS ONE HUNDRED RESIDENTS, THE MUNICIPALITY SHALL PROVIDE TWO  
20 ADDITIONAL HANDWASHING UNITS FOR EVERY ADDITIONAL ONE HUNDRED RESIDENTS.

21 3. IF A HOMELESS ENCAMPMENT HAS AT LEAST FIFTY RESIDENTS, AT LEAST  
22 TWO TEMPORARY OR PERMANENT SHOWER UNITS.

23 4. ADEQUATE POTABLE WATER.

24 5. ADEQUATE TRASH RECEPTACLES AND REGULAR TRASH REMOVAL SERVICES.

25 6. IF A HOMELESS ENCAMPMENT HAS MORE THAN TWO HUNDRED RESIDENTS,  
26 TWENTY-FOUR-HOUR ON-SITE SECURITY.

27 B. FOR A HOMELESS ENCAMPMENT LOCATED ON PRIVATE PROPERTY, THE OWNER  
28 OF THE PRIVATE PROPERTY MUST CONSENT TO THE PLACEMENT OF THE SERVICES  
29 PRESCRIBED IN SUBSECTION A OF THIS SECTION BEFORE THE PLACEMENT OF THE  
30 SERVICES.

31 C. A MUNICIPALITY SHALL ENSURE COMPLIANCE WITH AND ENFORCE ALL  
32 APPLICABLE HEALTH, SAFETY AND SANITATION LAWS, ORDINANCES AND REGULATIONS  
33 WITHIN A HOMELESS ENCAMPMENT.

34 D. THIS SECTION DOES NOT APPLY TO A HOMELESS ENCAMPMENT LOCATED ON  
35 FEDERAL LAND.

36 E. FOR THE PURPOSES OF THIS SECTION, "HOMELESS ENCAMPMENT" MEANS AN  
37 AREA CONTAINING TEN OR MORE TENTS, TARPS OR OTHER SIMILAR TEMPORARY  
38 STRUCTURES THAT ARE EACH WITHIN FIFTY FEET OF ANOTHER TENT, TARP OR OTHER  
39 SIMILAR TEMPORARY STRUCTURE AND THAT ARE USED FOR THE PURPOSE OF  
40 ESTABLISHING AN INDEFINITE PLACE OF DOMICILE OR RESIDENCE.

1 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes,  
2 is amended by adding section 11-269.27, to read:

3 11-269.27. Homeless encampments; requirements; applicability;  
4 definition

5 A. IF A COUNTY ESTABLISHES, ALLOWS THE ESTABLISHMENT OF OR FAILS TO  
6 DISBAND, WITHIN A REASONABLE PERIOD OF TIME, A HOMELESS ENCAMPMENT EITHER  
7 ON PRIVATE PROPERTY IN VIOLATION OF COUNTY REGULATIONS OR ON PUBLIC  
8 PROPERTY, THE COUNTY SHALL PROVIDE ALL OF THE FOLLOWING AT THE HOMELESS  
9 ENCAMPMENT:

10 1. AT LEAST TWO TEMPORARY OR PERMANENT TOILETS. IF A HOMELESS  
11 ENCAMPMENT HAS ONE HUNDRED OR MORE RESIDENTS, THE COUNTY SHALL PROVIDE TWO  
12 ADDITIONAL TOILETS. IF A HOMELESS ENCAMPMENT EXCEEDS ONE HUNDRED  
13 RESIDENTS, THE COUNTY SHALL PROVIDE TWO ADDITIONAL TOILETS FOR EVERY  
14 ADDITIONAL ONE HUNDRED RESIDENTS.

15 2. AT LEAST TWO TEMPORARY OR PERMANENT HANDWASHING UNITS. IF A  
16 HOMELESS ENCAMPMENT HAS ONE HUNDRED OR MORE RESIDENTS, THE COUNTY SHALL  
17 PROVIDE TWO ADDITIONAL HANDWASHING UNITS. IF A HOMELESS ENCAMPMENT  
18 EXCEEDS ONE HUNDRED RESIDENTS, THE COUNTY SHALL PROVIDE TWO ADDITIONAL  
19 HANDWASHING UNITS FOR EVERY ADDITIONAL ONE HUNDRED RESIDENTS.

20 3. IF A HOMELESS ENCAMPMENT HAS AT LEAST FIFTY RESIDENTS, AT LEAST  
21 TWO TEMPORARY OR PERMANENT SHOWER UNITS.

22 4. ADEQUATE POTABLE WATER.

23 5. ADEQUATE TRASH RECEPTACLES AND REGULAR TRASH REMOVAL SERVICES.

24 6. IF A HOMELESS ENCAMPMENT HAS MORE THAN TWO HUNDRED RESIDENTS,  
25 TWENTY-FOUR-HOUR ON-SITE SECURITY.

26 B. FOR A HOMELESS ENCAMPMENT LOCATED ON PRIVATE PROPERTY, THE OWNER  
27 OF THE PRIVATE PROPERTY MUST CONSENT TO THE PLACEMENT OF THE SERVICES  
28 PRESCRIBED IN SUBSECTION A OF THIS SECTION BEFORE THE PLACEMENT OF THE  
29 SERVICES.

30 C. A COUNTY SHALL ENSURE COMPLIANCE WITH AND ENFORCE ALL APPLICABLE  
31 HEALTH, SAFETY AND SANITATION LAWS, ORDINANCES AND REGULATIONS.

32 D. THIS SECTION DOES NOT APPLY TO A HOMELESS ENCAMPMENT LOCATED ON  
33 FEDERAL LAND OR WITHIN AN INCORPORATED MUNICIPALITY.

34 E. FOR THE PURPOSES OF THIS SECTION, "HOMELESS ENCAMPMENT" MEANS AN  
35 AREA CONTAINING TEN OR MORE TENTS, TARPS OR OTHER SIMILAR TEMPORARY  
36 STRUCTURES THAT ARE EACH WITHIN FIFTY FEET OF ANOTHER TENT, TARP OR OTHER  
37 SIMILAR TEMPORARY STRUCTURE AND THAT ARE USED FOR THE PURPOSE OF  
38 ESTABLISHING AN INDEFINITE PLACE OF DOMICILE OR RESIDENCE.

39 (EMERGENCY NOT ENACTED)

40 Sec. 3. Emergency

41 This act is an emergency measure that is necessary to preserve the  
42 public peace, health or safety and is operative immediately as provided by  
43 law.