

REFERENCE TITLE: homelessness; rights; eviction; housing; appropriation.

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

HB 2734

Introduced by
Representatives Hernandez L: Bravo, Contreras P, Hernandez A, Hernandez C,
Hernandez M, Longdon, Quiñonez, Seaman, Stahl Hamilton, Sun, Tsosie

AN ACT

AMENDING TITLE 1, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-119.06; AMENDING TITLE 41, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-710.02; REPEALING SECTION 41-710.02, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 37, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3956; APPROPRIATING MONIES; 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 1, Arizona Revised Statutes, is amended by adding
3 chapter 9, to read:

4 CHAPTER 9

5 HOMELESSNESS RIGHTS

6 ARTICLE 1. HOMELESS PERSONS' BILL OF RIGHTS

7 1-901. Homeless persons' bill of rights; attorney fees and
8 costs

9 A. A PERSON'S RIGHTS, PRIVILEGES OR ACCESS TO PUBLIC SERVICES MAY
10 NOT BE DENIED OR ABRIDGED SOLELY BECAUSE THE PERSON IS HOMELESS. A
11 HOMELESS PERSON HAS THE SAME RIGHTS AND PRIVILEGES AS ANY OTHER RESIDENT
12 OF THIS STATE.

13 B. IN ANY CIVIL ACTION THAT ALLEGES A VIOLATION OF THIS SECTION,
14 THE COURT MAY AWARD APPROPRIATE INJUNCTIVE AND DECLARATORY RELIEF, ACTUAL
15 DAMAGES AND REASONABLE ATTORNEY FEES AND COSTS TO A PREVAILING PLAINTIFF.

16 Sec. 2. Title 12, chapter 1, article 1, Arizona Revised Statutes,
17 is amended by adding section 12-119.06, to read:

18 12-119.06. Eviction diversion and prevention program

19 A. THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL ESTABLISH A
20 STATEWIDE EVICTION DIVERSION AND PREVENTION PROGRAM THAT PROVIDES TENANT
21 EDUCATION THROUGH COMMUNITY-BASED ORGANIZATIONS IN THIS STATE FOR TENANT
22 RIGHTS AND THAT TEACHES TENANTS HOW TO DO ALL OF THE FOLLOWING:

23 1. ACCESS SOCIAL SERVICES AND LEGAL RESOURCES TO ENABLE HOUSING
24 STABILITY.

25 2. OBTAIN LEGAL ASSISTANCE FOR HOUSING ISSUES.

26 3. ACCESS INFORMATION ABOUT RENTAL ASSISTANCE.

27 B. THE ADMINISTRATIVE OFFICE OF THE COURTS, THROUGH COMMUNITY-BASED
28 ORGANIZATIONS, SHALL ALSO PROVIDE LEGAL AID TO ASSIST TENANTS WITH
29 CRIMINAL RECORD EXPUNGEMENT, UNEMPLOYMENT, DISABILITY AND SOCIAL SECURITY
30 BENEFITS AND LANDLORD AND TENANT ASSISTANCE TO ENABLE HOUSING STABILITY.

31 Sec. 3. Title 41, chapter 4, article 1, Arizona Revised Statutes,
32 is amended by adding section 41-710.02, to read:

33 41-710.02. Affordable housing pilot program; report

34 A. THE DEPARTMENT SHALL DEVELOP A PILOT PROGRAM THAT DOES ALL OF
35 THE FOLLOWING:

36 1. PROVIDES AFFORDABLE HOUSING OPPORTUNITIES TO INDIVIDUALS
37 EXPERIENCING HOMELESSNESS.

38 2. PROVIDES FUNDING FOR THE LEASING OF VACANT COMMERCIAL AND HOTEL
39 SPACES, INCLUDING STATE BUILDINGS, FOR A PERIOD OF THIRTY-SIX TO
40 FORTY-EIGHT MONTHS TO INDIVIDUALS EXPERIENCING HOMELESSNESS.

41 3. PROVIDES PROPERTY OWNERS AND PROPERTY MANAGERS IN THIS STATE
42 WITH RESOURCES TO OFFER AFFORDABLE HOUSING TO INDIVIDUALS EXPERIENCING
43 HOMELESSNESS.

1 4. PROVIDES COMPREHENSIVE SERVICES AND COMMUNITY OUTREACH TO
2 INDIVIDUALS EXPERIENCING HOMELESSNESS.

3 5. ESTABLISHES A STATEWIDE DEVELOPMENT PROGRAM FOR INDIVIDUALS
4 EXPERIENCING HOMELESSNESS TO SECURE STABLE HOUSING AND JOB PLACEMENT.

5 B. THE DEPARTMENT IS EXEMPT FROM THE RULEMAKING REQUIREMENTS OF
6 TITLE 41, CHAPTER 6 AND MAY WAIVE RULES AS NECESSARY TO IMPLEMENT THE
7 PILOT PROGRAM.

8 C. ON OR BEFORE DECEMBER 31, 2027, THE DEPARTMENT SHALL SUBMIT A
9 REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
10 HOUSE OF REPRESENTATIVES DETAILING THE RESULTS OF THE PILOT PROGRAM AND
11 ANY REVENUES AND COSTS ASSOCIATED WITH THE PROGRAM. THE DEPARTMENT SHALL
12 PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF STATE.

13 Sec. 4. Delayed repeal

14 Section 41-710.02, Arizona Revised Statutes, as added by this act,
15 is repealed from and after December 31, 2027.

16 Sec. 5. Title 41, chapter 37, article 2, Arizona Revised Statutes,
17 is amended by adding section 41-3956, to read:

18 41-3956. Grant program for sanctioned housing;
19 multidisciplinary homeless outreach teams; mental
20 health or substance abuse homeless shelters;
21 community homeless courts; annual report;
22 immunity; definition

23 A. THE DEPARTMENT MAY AWARD GRANTS TO A MUNICIPALITY, A TRIBE, A
24 COUNTY, A CONSORTIUM OF MUNICIPALITIES AND COUNTIES OR A NONPROFIT
25 ORGANIZATION IN COOPERATION WITH A MUNICIPALITY OR COUNTY TO ESTABLISH OR
26 OPERATE SANCTIONED HOUSING FOR UNSHELTERED INDIVIDUALS EXPERIENCING
27 HOMELESSNESS.

28 B. ALL SANCTIONED HOUSING SHALL:

29 1. INCLUDE TWENTY-FOUR-HOUR DAILY ACCESS TO SANITARY FACILITIES,
30 POTABLE WATER, APPROPRIATE WEATHER RESPITE FACILITIES, FACILITIES FOR PETS
31 AND TWENTY-FOUR-HOUR ON-SITE SECURITY, INCLUDING LAW ENFORCEMENT OFFICERS
32 AND FIRE RESPONSE.

33 2. BE INTEGRATED INTO THE LOCAL COORDINATED ENTRY SYSTEM FOR
34 HOMELESS SERVICES.

35 3. SET LOW BARRIERS TO ENTRY FOR UNSHELTERED INDIVIDUALS
36 EXPERIENCING HOMELESSNESS.

37 4. FOR SANCTIONED HOUSING, ALLOW UNSHELTERED INDIVIDUALS
38 EXPERIENCING HOMELESSNESS TO CAMP AND STORE PERSONAL PROPERTY IN AREAS AND
39 AMOUNTS DESIGNATED BY THE OPERATOR OF THE SANCTIONED HOUSING.

40 5. ESTABLISH RULES FOR THE SAFETY OF THE RESIDENTS AND STORED
41 PROPERTY. AN INDIVIDUAL WHO VIOLATES A RULE MAY BE REMOVED FROM THE
42 SANCTIONED HOUSING.

43 C. ON THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL
44 ESTABLISH A COMPETITIVE PROCESS FOR AWARDED GRANTS PRESCRIBED IN
45 SUBSECTION A OF THIS SECTION. GRANT APPLICATIONS MUST BE SUBMITTED NOT

1 LATER THAN DECEMBER 31 OF EACH YEAR. THE DEPARTMENT SHALL CONSIDER THE
2 FOLLOWING INFORMATION OR FACTORS WHEN SELECTING GRANT RECIPIENTS:

3 1. THE AMOUNT OF MONIES REQUESTED.

4 2. THE DURATION OF THE PROPOSED PROGRAM, INCLUDING AN ESTIMATE OF
5 THE TIME NECESSARY TO COMPLETE CONSTRUCTION OR PREPARE TO MAKE THE PROGRAM
6 OPERATIONAL.

7 3. THE NUMBER OF SANCTIONED HOUSING SITES OR OTHER SITES TO BE
8 OPERATED.

9 4. THE APPLICANT'S PLANS TO FACILITATE AND SUPPORT A CONTINUUM OF
10 CARE SERVICE MODEL TO ASSIST UNSHELTERED INDIVIDUALS EXPERIENCING
11 HOMELESSNESS.

12 5. THE PLAN FOR OPERATING SITES CONSISTENT WITH THE REQUIREMENTS OF
13 SUBSECTION B OF THIS SECTION.

14 6. A DESCRIPTION OF OUTREACH METHODS TO FACILITATE REDUCING THE
15 UNSHELTERED POPULATION, INCLUDING THE USE OF MULTIDISCIPLINARY HOMELESS
16 OUTREACH TEAMS.

17 D. A MUNICIPALITY MAY SUBMIT AN APPLICATION FOR SANCTIONED HOUSING
18 TO BE PROVIDED WITHIN SPECIAL SERVICE AREAS USED FOR HOMELESS SERVICES AND
19 DESIGNATED BY THE MUNICIPALITY. A MUNICIPALITY SHALL TAKE REASONABLE
20 MEASURES TO MITIGATE IMPACTS ON ADJACENT PROPERTY OWNERS OR BUSINESS
21 OWNERS.

22 E. IN ADDITION TO THE GRANT APPLICATION PRESCRIBED IN SUBSECTION C
23 OF THIS SECTION, A MUNICIPALITY SHALL PROVIDE:

24 1. THE BOUNDARIES OF THE PROPOSED SPECIAL SERVICE AREA.

25 2. THE RELEVANT CENSUS NUMBER OF UNSHELTERED INDIVIDUALS
26 EXPERIENCING HOMELESSNESS AS PROVIDED IN SUBSECTION F OF THIS SECTION.

27 F. NOTWITHSTANDING SUBSECTION I, PARAGRAPH 1 OF THIS SECTION, GOAL
28 ATTAINMENT FACTORS FOR A SPECIAL SERVICE AREA GRANT SHALL BE SUBTRACTED
29 FROM A NUMBER DETERMINED BY THE MUNICIPALITY BY IDENTIFYING THE AREA OF A
30 ONE-HALF MILE CIRCUMFERENCE IN THE MUNICIPALITY IN WHICH THE HIGHEST
31 CONCENTRATION OF UNSHELTERED INDIVIDUALS EXPERIENCING HOMELESSNESS ARE
32 LOCATED. THIS NUMBER SHALL BE DETERMINED BY A CENSUS COUNT ACQUIRED BY
33 THE MUNICIPALITY WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS
34 SECTION. ALL OTHER GOAL ATTAINMENT FACTORS PROVIDED IN SUBSECTION G OF
35 THIS SECTION APPLY.

36 G. CONTINGENT ON FULL FUNDING OF THE PROGRAM, A RECIPIENT UNDER
37 SUBSECTION D OF THIS SECTION SHALL ESTABLISH THE FOLLOWING REDUCTION
38 GOALS:

39 1. TWENTY PERCENT OF THE NUMBER ESTABLISHED PURSUANT TO SUBSECTION
40 F OF THIS SECTION IN THE FIRST YEAR.

41 2. AN ADDITIONAL REDUCTION IN THE SECOND YEAR REPRESENTING A
42 CUMULATIVE REDUCTION OF SIXTY-FIVE PERCENT IN TWO YEARS.

43 H. CONTINGENT ON THE FULL FUNDING OF THE PROGRAM, A GRANT RECIPIENT
44 FOR OTHER THAN A SPECIAL SERVICE AREA SHALL ESTABLISH A REDUCTION GOAL OF
45 FIFTEEN PERCENT FOR UNSHELTERED HOMELESSNESS IN THE FIRST YEAR AND A

1 REDUCTION IN THE SECOND YEAR THE PROGRAM IS FUNDED AND OPERATED
2 REPRESENTING A CUMULATIVE REDUCTION OF FORTY PERCENT IN TWO YEARS.

3 I. IN DETERMINING THE REDUCTION OF UNSHELTERED HOMELESSNESS FOR
4 GRANT PROGRAMS ALL OF THE FOLLOWING APPLY:

5 1. GOAL ATTAINMENT FACTORS SHALL INITIALLY BE SUBTRACTED FROM THE
6 NUMBER ESTABLISHED BY THE UNSHELTERED HOMELESS CENSUS CONDUCTED IN 2023 BY
7 COUNCILS OF GOVERNMENT CONTINUUM OF CARE OR A POLITICAL SUBDIVISION OF
8 THIS STATE RESPONSIBLE FOR CONDUCTING THE 2023 UNSHELTERED HOMELESS CENSUS
9 AND SUBSEQUENTLY BY ANY ADDITIONAL REDUCTIONS.

10 2. GOAL ATTAINMENT FACTORS SHALL INCLUDE ALL HOUSING SERVICES
11 PROVIDED BY THE GRANTEE OR ANY ORGANIZATION THAT IS LOCATED OR OPERATING
12 WITHIN THE GRANTEE'S JURISDICTION SINCE THE 2023 UNSHELTERED HOMELESS
13 CENSUS.

14 3. THE YEARLY GOAL SHALL BE APPLIED TO THE YEAR BEGINNING SIXTY
15 DAYS FROM THE DATE THE DIRECTOR APPROVES THE GRANT.

16 J. ON OR BEFORE MARCH 1 OF EACH YEAR IN WHICH A PROGRAM IS IN
17 OPERATION AND FUNDED, THE GRANTEE SHALL SUBMIT A REPORT TO THE DIRECTOR
18 INDICATING THE RESULTS OF ITS REDUCTION GOALS.

19 K. THE DEPARTMENT SHALL DISBURSE GRANT MONIES TO A MUNICIPALITY, A
20 TRIBE, A COUNTY, A CONSORTIUM OF MUNICIPALITIES AND COUNTIES OR A
21 NONPROFIT ORGANIZATION IN COOPERATION WITH A MUNICIPALITY OR COUNTY TO
22 ESTABLISH OR SUPPORT MULTIDISCIPLINARY HOMELESS OUTREACH TEAMS. A
23 MULTIDISCIPLINARY HOMELESS OUTREACH TEAM SHALL:

24 1. BE COMPOSED OF AT LEAST ONE FROM EACH OF THE FOLLOWING
25 SUBDIVISIONS:

26 (a) PEER PROVIDERS OR MENTAL HEALTH PROVIDERS.

27 (b) SOCIAL SERVICE PROVIDERS OR CONTRACTED SECURITY OFFICERS.

28 2. WORK TO MOVE INDIVIDUALS WHO ARE CAMPING AND SLEEPING IN PUBLIC
29 OR PRIVATE PLACES NOT FIT FOR HUMAN HABITATION INTO HOMELESS SERVICES,
30 HOUSING, SHELTERS OR SANCTIONED HOUSING.

31 L. THE DEPARTMENT MAY DISBURSE GRANT MONIES TO A MUNICIPALITY, A
32 TRIBE, A COUNTY, A CONSORTIUM OF MUNICIPALITIES AND COUNTIES OR A
33 NONPROFIT ORGANIZATION IN COOPERATION WITH A MUNICIPALITY OR COUNTY TO
34 ESTABLISH OR SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE HOMELESS SHELTERS.
35 A MENTAL HEALTH OR SUBSTANCE ABUSE HOMELESS SHELTER SHALL:

36 1. PROVIDE SHELTER FOR INDIVIDUALS EXPERIENCING HOMELESSNESS WHO
37 SUFFER FROM MENTAL HEALTH OR ADDICTION ISSUES.

38 2. RETAIN THE SERVICES OF INDIVIDUALS WHO ARE QUALIFIED TO MAKE
39 MENTAL HEALTH OR SUBSTANCE ABUSE ASSESSMENTS.

40 M. THE DEPARTMENT MAY DISBURSE GRANT MONIES TO MUNICIPALITIES THAT
41 HAVE ESTABLISHED COMMUNITY HOMELESS COURTS TO PROVIDE FUNDING FOR CASE
42 MANAGERS, PUBLIC DEFENDERS, PROSECUTORS AND ADDICTION AND MENTAL HEALTH
43 SERVICES NOT PROVIDED UNDER TITLE 36, CHAPTER 29, ARTICLE 1 FOR
44 UNSHELTERED INDIVIDUALS EXPERIENCING HOMELESSNESS. A COMMUNITY HOMELESS
45 COURT SHALL:

1 1. BE OPERATED BY A MUNICIPALITY THAT HAS INSTRUCTED LAW
2 ENFORCEMENT OFFICERS CITING UNSHELTERED INDIVIDUALS EXPERIENCING
3 HOMELESSNESS FOR OFFENSES RELATED TO SITTING, CAMPING, LOITERING OR
4 SLEEPING ON PUBLIC PROPERTY TO FIRST OFFER SHELTER AND SERVICES AND ISSUE
5 A CITATION ONLY AFTER THE INDIVIDUAL REFUSES.

6 2. FOR CITED INDIVIDUALS, ASSIGN A COURT DATE AND OFFER ANY
7 AVAILABLE VOLUNTARY PROGRAMS. CASE MANAGERS SHALL MONITOR PROGRAM
8 COMPLIANCE AND ASSIST CITED INDIVIDUALS WITH FINDING ANY APPROPRIATE
9 SERVICES, INCLUDING LONG-TERM HOUSING, MEDICAL TREATMENT AND EMPLOYMENT
10 COUNSELING.

11 3. IF A CITED INDIVIDUAL IS COMPLIANT FOR A PERIOD OF TIME AS
12 PRESCRIBED BY THE COURT, DISMISS THE INDIVIDUAL'S CITATION AND OUTSTANDING
13 FINES.

14 N. THE MUNICIPALITY, TRIBE, COUNTY OR NONPROFIT OPERATOR OF
15 SANCTIONED HOUSING IS NOT LIABLE IN ANY CIVIL ACTION THAT ARISES OUT OF
16 THE OPERATION OF SANCTIONED HOUSING UNLESS THE CLAIM INVOLVES INTENTIONAL
17 OR GROSSLY NEGLIGENT CONDUCT.

18 O. THE DEPARTMENT MAY DISBURSE GRANT MONIES TO FIRST CARE RESPONDER
19 TEAMS CONSISTING OF PARAMEDICS AND LICENSED HEALTH CARE PROFESSIONALS TO
20 LOCATE, ADMINISTER AID TO AND PROVIDE MEDICAL SERVICES FOR INDIVIDUALS
21 EXPERIENCING HOMELESSNESS. FIRST CARE RESPONDER TEAMS SHALL:

22 1. LOCATE AND APPROACH INDIVIDUALS EXPERIENCING HOMELESSNESS AND
23 OFFER AID AND OTHER MEDICAL SERVICES TO THEM.

24 2. AT THE REQUEST OF AN INDIVIDUAL EXPERIENCING HOMELESSNESS,
25 TRANSPORT THE INDIVIDUAL EXPERIENCING HOMELESSNESS TO A HOMELESS SHELTER
26 OR OTHER AID CENTER.

27 3. ACT AS THE FIRST POINT OF CONTACT FOR INDIVIDUALS EXPERIENCING
28 HOMELESSNESS BEFORE LAW ENFORCEMENT OFFICERS ARE CONTACTED.

29 P. FOR THE PURPOSES OF THIS SECTION, "SANCTIONED HOUSING" MEANS
30 SANCTIONED TRANSITIONAL CAMPING SITES, NONCONGREGATE SHELTERS, CONGREGATE
31 EMERGENCY SHELTERS OR SIMILAR LOW-COST STRUCTURES THAT CAN BE ASSEMBLED OR
32 OBTAINED QUICKLY.

33 Sec. 6. Legislative intent

34 The legislature intends to sustain a funding grant program to ensure
35 the health and safety of the community and safely move as many unsheltered
36 individuals experiencing homelessness off the streets and into sanctioned
37 housing or other sites that provide security and services.

38 Sec. 7. Appropriations; Arizona department of housing;
39 homeless services; exemption

40 A. The sum of \$50,000,000 is appropriated from the state general
41 fund in fiscal year 2023-2024 to the Arizona department of housing for the
42 affordable housing pilot program for cities, towns and counties in this
43 state for homeless services programs designed to reduce homelessness.
44 Eligible programs must allow homeless individuals to be compensated for
45 daily work, offer a daily remuneration rate and help participants to

1 access support services. Participating cities, towns and counties must
2 provide a dollar-for-dollar local match for each grant dollar received.
3 The Arizona department of housing shall prioritize awarding grants to
4 cities, towns and counties that have an established program that meets the
5 grant requirements.

6 B. The sum of \$150,000,000 is appropriated from the state general
7 fund in fiscal year 2023-2024 to the Arizona department of housing for the
8 purposes of section 41-3956, Arizona Revised Statutes, as added by this
9 act.

10 C. The appropriations made in subsections A and B of this section
11 are exempt from the provisions of section 35-190, Arizona Revised
12 Statutes, relating to lapsing of appropriations.

13 Sec. 8. Appropriation; department of economic security;
14 rental assistance; exemption

15 A. The sum of \$290,000,000 is appropriated from the state general
16 fund in fiscal year 2023-2024 to the department of economic security to
17 distribute for rental assistance. The department shall allocate at least
18 \$10,000,000 of the amount appropriated pursuant to this section to
19 distribute for rental assistance to persons who are at least sixty-five
20 years of age.

21 B. The appropriation made in subsection A of this section is exempt
22 from the provisions of section 35-190, Arizona Revised Statutes, relating
23 to lapsing of appropriations.

24 Sec. 9. Appropriation; administrative office of the courts;
25 eviction diversion and prevention program;
26 exemption

27 A. The sum of \$6,000,000 is appropriated from the state general
28 fund in fiscal year 2023-2024 to the administrative office of the courts
29 for the eviction diversion and prevention program established pursuant to
30 section 12-119.06, Arizona Revised Statutes, as added by this act. Monies
31 shall be used as follows:

32 1. \$1,000,000 shall be used for the purposes of section 12-119.06,
33 subsection A, Arizona Revised Statutes, as added by this act.

34 2. \$5,000,000 shall be used for the purposes of section 12-119.06,
35 subsection B, Arizona Revised Statutes, as added by this act.

36 B. The appropriation made in subsection A of this section is exempt
37 from the provisions of section 35-190, Arizona Revised Statutes, relating
38 to lapsing of appropriations.

39 Sec. 10. Emergency

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