

Senate Engrossed

homelessness; rights; eviction; housing; appropriation

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1585

AN ACT

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 SECTIONS 41-3956 AND 41-3958; 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 41, chapter 4, article 1, Arizona Revised
3 Statutes, is amended by adding section 41-710.02, to read:

4 41-710.02. Affordable housing opportunities pilot program;
5 annual report

6 A. THE DEPARTMENT SHALL DEVELOP A PILOT PROGRAM THAT DOES ALL OF
7 THE FOLLOWING:

8 1. PROVIDES AFFORDABLE HOUSING OPPORTUNITIES TO INDIVIDUALS
9 EXPERIENCING HOMELESSNESS.

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

13 3. PROVIDES PROPERTY OWNERS AND PROPERTY MANAGERS IN THIS STATE
14 WITH RESOURCES TO OFFER AFFORDABLE HOUSING TO INDIVIDUALS EXPERIENCING
15 HOMELESSNESS.

16 4. PROVIDES COMPREHENSIVE SERVICES AND COMMUNITY OUTREACH TO
17 INDIVIDUALS EXPERIENCING HOMELESSNESS.

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

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

23 C. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT SHALL
24 SUBMIT A REPORT TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE
25 SPEAKER OF THE HOUSE OF REPRESENTATIVES DETAILING THE RESULTS OF THE PILOT
26 PROGRAM AND ANY REVENUES AND COSTS ASSOCIATED WITH THE PROGRAM. THE
27 DEPARTMENT SHALL PROVIDE A COPY OF THE REPORT TO THE SECRETARY OF STATE.

28 Sec. 2. Delayed repeal

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30 is repealed from and after December 31, 2027.

31 Sec. 3. Title 41, chapter 37, article 2, Arizona Revised Statutes,
32 is amended by adding sections 41-3956 and 41-3958, to read:

33 41-3956. Grant program for sanctioned facilities;
34 multidisciplinary homeless outreach teams; mental
35 health or substance abuse homeless shelters;
36 community homeless courts; annual report;
37 immunity; definition

38 A. THE DEPARTMENT MAY AWARD GRANTS TO A MUNICIPALITY, A TRIBE, A
39 COUNTY, A CONSORTIUM OF MUNICIPALITIES AND COUNTIES OR A NONPROFIT
40 ORGANIZATION IN COOPERATION WITH A MUNICIPALITY OR COUNTY TO ESTABLISH OR
41 OPERATE SANCTIONED FACILITIES FOR UNSHELTERED INDIVIDUALS EXPERIENCING
42 HOMELESSNESS.

43 B. ALL SANCTIONED FACILITIES SHALL:

1 1. INCLUDE TWENTY-FOUR-HOUR DAILY ACCESS TO SANITARY FACILITIES,
2 POTABLE WATER, APPROPRIATE WEATHER RESPITE FACILITIES, FACILITIES FOR PETS
3 AND TWENTY-FOUR-HOUR ON-SITE SECURITY, INCLUDING FIRE RESPONSE.

4 2. BE INTEGRATED INTO THE LOCAL COORDINATED ENTRY SYSTEM FOR
5 HOMELESS SERVICES.

6 3. SUBJECT TO THE PROTECTION OF HEALTH AND SAFETY, SET LOW BARRIERS
7 TO ENTRY FOR UNSHELTERED INDIVIDUALS EXPERIENCING HOMELESSNESS.

8 4. FOR SANCTIONED FACILITIES, ALLOW UNSHELTERED INDIVIDUALS
9 EXPERIENCING HOMELESSNESS TO STORE PERSONAL PROPERTY IN AREAS AND AMOUNTS
10 DESIGNATED BY THE OPERATOR OF THE SANCTIONED FACILITIES.

11 5. ESTABLISH RULES FOR THE SAFETY OF THE RESIDENTS AND STORED
12 PROPERTY. AN INDIVIDUAL WHO VIOLATES A RULE MAY BE REMOVED FROM THE
13 SANCTIONED FACILITIES.

14 C. ON THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL
15 ESTABLISH A COMPETITIVE PROCESS FOR AWARDING GRANTS PRESCRIBED IN
16 SUBSECTION A OF THIS SECTION. GRANT APPLICATIONS MUST BE SUBMITTED NOT
17 LATER THAN DECEMBER 31 OF EACH YEAR. THE DEPARTMENT SHALL CONSIDER THE
18 FOLLOWING INFORMATION OR FACTORS WHEN SELECTING GRANT RECIPIENTS:

19 1. THE AMOUNT OF MONIES REQUESTED.

20 2. THE DURATION OF THE PROPOSED PROGRAM, INCLUDING AN ESTIMATE OF
21 THE TIME NECESSARY TO COMPLETE CONSTRUCTION OR PREPARE TO MAKE THE PROGRAM
22 OPERATIONAL.

23 3. THE NUMBER OF SANCTIONED FACILITY SITES OR OTHER SITES TO BE
24 OPERATED.

25 4. THE APPLICANT'S PLANS TO FACILITATE AND SUPPORT A CONTINUUM OF
26 CARE SERVICE MODEL TO ASSIST UNSHELTERED INDIVIDUALS EXPERIENCING
27 HOMELESSNESS.

28 5. THE PLAN FOR OPERATING SITES CONSISTENT WITH THE REQUIREMENTS OF
29 SUBSECTION B OF THIS SECTION.

30 6. A DESCRIPTION OF OUTREACH METHODS TO FACILITATE REDUCING THE
31 UNSHELTERED POPULATION, INCLUDING THE USE OF MULTIDISCIPLINARY HOMELESS
32 OUTREACH TEAMS.

33 D. A MUNICIPALITY MAY SUBMIT AN APPLICATION FOR SANCTIONED
34 FACILITIES TO BE PROVIDED WITHIN SPECIAL SERVICE AREAS USED FOR HOMELESS
35 SERVICES AND DESIGNATED BY THE MUNICIPALITY. A MUNICIPALITY SHALL TAKE
36 REASONABLE MEASURES TO MITIGATE IMPACTS ON ADJACENT PROPERTY OWNERS OR
37 BUSINESS OWNERS.

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

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

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

43 F. NOTWITHSTANDING SUBSECTION I, PARAGRAPH 1 OF THIS SECTION, GOAL
44 ATTAINMENT FACTORS FOR A SPECIAL SERVICE AREA GRANT SHALL BE SUBTRACTED
45 FROM A NUMBER DETERMINED BY THE MUNICIPALITY BY IDENTIFYING THE AREA OF A

1 ONE-HALF MILE CIRCUMFERENCE IN THE MUNICIPALITY IN WHICH THE HIGHEST
2 CONCENTRATION OF UNSHELTERED INDIVIDUALS EXPERIENCING HOMELESSNESS ARE
3 LOCATED. THIS NUMBER SHALL BE DETERMINED BY A CENSUS COUNT ACQUIRED BY
4 THE MUNICIPALITY WITHIN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS
5 SECTION. ALL OTHER GOAL ATTAINMENT FACTORS PROVIDED IN SUBSECTION G OF
6 THIS SECTION APPLY.

7 G. CONTINGENT ON FULL FUNDING OF THE PROGRAM, A RECIPIENT UNDER
8 SUBSECTION D OF THIS SECTION SHALL ESTABLISH THE FOLLOWING REDUCTION
9 GOALS:

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

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

14 H. CONTINGENT ON THE FULL FUNDING OF THE PROGRAM, A GRANT RECIPIENT
15 FOR OTHER THAN A SPECIAL SERVICE AREA SHALL ESTABLISH A REDUCTION GOAL OF
16 FIFTEEN PERCENT FOR UNSHELTERED HOMELESSNESS IN THE FIRST YEAR AND A
17 REDUCTION IN THE SECOND YEAR THE PROGRAM IS FUNDED AND OPERATED
18 REPRESENTING A CUMULATIVE REDUCTION OF FORTY PERCENT IN TWO YEARS. THIS
19 SUBSECTION DOES NOT APPLY TO CITIES AND TOWNS WITH A POPULATION OF LESS
20 THAN FIFTY THOUSAND PERSONS.

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

23 1. GOAL ATTAINMENT FACTORS SHALL INITIALLY BE SUBTRACTED FROM THE
24 NUMBER ESTABLISHED BY THE UNSHELTERED HOMELESS CENSUS CONDUCTED IN 2023 BY
25 COUNCILS OF GOVERNMENT CONTINUUM OF CARE OR A POLITICAL SUBDIVISION OF
26 THIS STATE RESPONSIBLE FOR CONDUCTING THE 2023 UNSHELTERED HOMELESS CENSUS
27 AND SUBSEQUENTLY BY ANY ADDITIONAL REDUCTIONS.

28 2. GOAL ATTAINMENT FACTORS SHALL INCLUDE ALL HOUSING SERVICES
29 PROVIDED BY THE GRANTEE OR ANY ORGANIZATION THAT IS LOCATED OR OPERATING
30 WITHIN THE GRANTEE'S JURISDICTION SINCE THE 2023 UNSHELTERED HOMELESS
31 CENSUS.

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

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

37 K. THE DEPARTMENT SHALL DISBURSE GRANT MONIES TO A MUNICIPALITY, A
38 TRIBE, A COUNTY, A CONSORTIUM OF MUNICIPALITIES AND COUNTIES OR A
39 NONPROFIT ORGANIZATION IN COOPERATION WITH A MUNICIPALITY OR COUNTY TO
40 ESTABLISH OR SUPPORT MULTIDISCIPLINARY HOMELESS OUTREACH TEAMS. A
41 MULTIDISCIPLINARY HOMELESS OUTREACH TEAM SHALL:

42 1. BE COMPOSED OF AT LEAST ONE FROM EACH OF THE FOLLOWING
43 SUBDIVISIONS:

44 (a) PEER PROVIDERS OR MENTAL HEALTH PROVIDERS.

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

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

4 L. THE DEPARTMENT MAY DISBURSE GRANT MONIES TO A MUNICIPALITY, A
5 TRIBE, A COUNTY, A CONSORTIUM OF MUNICIPALITIES AND COUNTIES OR A
6 NONPROFIT ORGANIZATION IN COOPERATION WITH A MUNICIPALITY OR COUNTY TO
7 ESTABLISH OR SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE HOMELESS SHELTERS.
8 A MENTAL HEALTH OR SUBSTANCE ABUSE HOMELESS SHELTER SHALL:

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

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

13 M. THE DEPARTMENT MAY DISBURSE GRANT MONIES TO MUNICIPALITIES THAT
14 HAVE ESTABLISHED COMMUNITY HOMELESS COURTS TO PROVIDE FUNDING FOR CASE
15 MANAGERS, PUBLIC DEFENDERS, PROSECUTORS AND ADDICTION AND MENTAL HEALTH
16 SERVICES NOT PROVIDED UNDER TITLE 36, CHAPTER 29, ARTICLE 1 FOR
17 UNSHELTERED INDIVIDUALS EXPERIENCING HOMELESSNESS. A COMMUNITY HOMELESS
18 COURT SHALL:

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

24 2. FOR CITED INDIVIDUALS, ASSIGN A COURT DATE AND OFFER ANY
25 AVAILABLE VOLUNTARY PROGRAMS. CASE MANAGERS SHALL MONITOR PROGRAM
26 COMPLIANCE AND ASSIST CITED INDIVIDUALS WITH FINDING ANY APPROPRIATE
27 SERVICES, INCLUDING LONG-TERM HOUSING, MEDICAL TREATMENT AND EMPLOYMENT
28 COUNSELING.

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

32 N. THE MUNICIPALITY, TRIBE, COUNTY OR NONPROFIT OPERATOR OF
33 SANCTIONED FACILITIES IS NOT LIABLE IN ANY CIVIL ACTION THAT ARISES OUT OF
34 THE OPERATION OF SANCTIONED FACILITIES UNLESS THE CLAIM INVOLVES
35 INTENTIONAL OR GROSSLY NEGLIGENT CONDUCT.

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

40 1. LOCATE AND APPROACH INDIVIDUALS EXPERIENCING HOMELESSNESS AND
41 OFFER AID AND OTHER MEDICAL SERVICES TO THEM.

42 2. AT THE REQUEST OF AN INDIVIDUAL EXPERIENCING HOMELESSNESS,
43 TRANSPORT THE INDIVIDUAL EXPERIENCING HOMELESSNESS TO A HOMELESS SHELTER
44 OR OTHER AID CENTER.

1 department of housing shall prioritize awarding grants to cities, towns
2 and counties that have an established program that meets the grant
3 requirements.

4 3. \$50,000,000 shall be used for the purposes of section 41-710.02,
5 Arizona Revised Statutes, as added by this act.

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

9 Sec. 6. Appropriation; department of economic security;
10 rental assistance; eviction prevention; exemption

11 A. The sum of \$10,000,000 is appropriated from the state general
12 fund in fiscal year 2023-2024 to the department of economic security to
13 distribute for rental assistance and eviction prevention for persons who
14 are at least sixty-five years of age.

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

18 (EMERGENCY NOT ENACTED)

19 Sec. 7. Emergency

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