

# ARIZONA STATE SENATE

## RESEARCH STAFF



**LIAM MAHER**

LEGISLATIVE RESEARCH ANALYST  
APPROPRIATIONS COMMITTEE  
Telephone: (602) 926-3171

TO: MEMBERS OF THE SENATE  
APPROPRIATIONS COMMITTEE

DATE: March 29, 2021

SUBJECT: Strike everything amendment to H.B. 2668, relating to nutrition assistance; benefit match; appropriation

---

### Purpose

Prohibits a person from using state property for camping or setting up long-term homeless shelters except in structured camping facilities. Provides methods and procedures for allocating specified funds to programs that assist persons experiencing homelessness.

### Background

The Arizona Department of Housing (ADOH) serves as the lead agency of the Arizona Balance of State Continuum of Care covering the state's 13 rural counties. ADOH is tasked by the U.S. Department of Housing and Urban Development with conducting a point in time (PIT) count of persons and families experiencing homelessness in January each year ([ADOH](#)). Maricopa County and Pima County each operate their own continuums of care ([MAG](#) and [TPCH](#)).

Statute defines a person as a *danger to others* if the judgment of a person who has a mental disorder is so impaired that the person is unable to understand the person's need for treatment and as a result of the person's mental disorder the person's continued behavior can reasonably be expected, on the basis of competent medical opinion, to result in serious physical harm ([A.R.S. § 36-501](#)).

The maximum sentence for a class 3 misdemeanor is 30 days in jail and a fine of up to \$500 (A.R.S. §§ [13-707](#) and [13-802](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

### Provisions

1. Prohibits any person from using any portion of state property for camping or setting up long-term homeless shelters except in structured camping facilities.
2. Specifies this act does not prohibit the normal, customary and temporary use of recreational camping areas, safety rest areas, welcome centers, tourist centers and other state properties designated for recreational purposes or by persons traveling by vehicle.
3. Specifies a person who violates the prohibition of encampment on state property is guilty of a class 3 misdemeanor and requires the person, after the first violation, to be referred for mental health, job training or addiction treatment services or any combination thereof.

4. Exempts state or local government officials or employees and employees of contractors or subcontractors, while acting in their official capacities, performing activities as part of their official duties or performing duties while under contract with the state from this act.
5. Allows the Arizona Department of Administration (ADOA), in coordination with ADOH, to designate areas of state property to establish structured camping facilities to house homeless individuals, including individuals who have been removed from state property.
6. Specifies that structured camping facilities are not subject to state and local building codes.
7. Requires individuals without a stable residence to be allowed to bring camping equipment and personal property onto a structured camping facility and be assigned a specific location within the structured camping facility to set up a temporary residence.
8. Requires residence in a structured camping facility to be conditioned on completing service obligations as determined by ADOA.
9. Specifies that any individual who does not comply with any service obligations may be subject to immediate removal from the structured camping facility.
10. Requires any state public safety grant that is awarded to a city or town that has a population of more than 50,000 persons and a higher per capita rate of unsheltered homelessness than the state average to dedicate between 10 percent and 25 percent of the grant monies to establish homeless outreach teams.
11. Requires the homeless outreach teams to:
  - a) consist of police officers, social service professionals and mental health professionals;
  - b) work to move individuals who are camping and sleeping in public or private places that are not fit for human habitation into homeless shelters and services;
  - c) enforce state and local laws against street camping and sleeping in public; and
  - d) prioritize moving homeless individuals into drug, homeless or mental health courts whenever possible.
12. Prohibits any city or town, that the unsheltered homeless population continues to grow for two consecutive years after establishing a homeless outreach team, from being eligible for state public safety grants until the:
  - a) per capita rate of unsheltered homelessness is equal to or below the state average; or
  - b) city or town enacts and enforces local laws against public sleeping and camping.
13. Requires, beginning July 1, 2022, all state monies that are received by ADOH for addressing homelessness and that are currently allocated to a city, town, continuum of care or nonprofit organization to construct or purchase short-term housing or shelter for homeless individuals to be redirected for:
  - a) safe parking areas within a parking lot that includes access to basic utilities, including water and electric outlets, and access to bathrooms that are enough to service all occupants;
  - b) structured camping facilities that are not subject to state and local building codes and are accessible to individuals without a stable residence; and
  - c) individual unit shelters that are suitable to house between one and three individuals, provide basic sleeping accommodations and access to electricity and provide access to showers and bathroom facilities with an occupancy limit of six months.

14. Requires, beginning July 1, 2022, any continuum of care that operates an area with a per capita homelessness rate that is higher than the average state rate to allocate state monies used to construct or purchase permanent supportive housing to nonprofit organizations.
15. Requires the ADOH allocation to be used for:
  - a) a continuum of care survey of homeless individuals living within the area that the continuum of care operates including, a survey of local hospitals, jails and homeless shelters;
  - b) individuals identified with the highest levels of combined total days and assisting ADOH in awarding all state monies to nonprofit organizations that are willing and competent to assist the individuals;
  - c) entering a three-year grant allocation contract with each selected nonprofit organization; and
  - d) assisting, in lieu of the grant allocation contracts, ADOH in selecting and contracting with nonprofit organizations that use at least two of three specified factors and requires ADOH to approve of the contracts.
16. Allows the continuum of care to use state grants for conducting surveys with a cap of 10 percent of the total grants.
17. Prohibits state monies from being allocated to any city, town, continuum of care or nonprofit organization to construct or purchase any short-term housing that costs more than \$40,000 per bed to construct, excluding the price of land.
18. Prohibits state monies from being allocated to any city, town, continuum of care or nonprofit organization to construct any short-term housing that costs more than \$10,000 per year to maintain a basic level of habitability.
19. Prohibits state monies from being allocated to any continuum of care or nonprofit organization in a city or town that shows an increase in unsheltered homeless of 50 individuals or more for two consecutive years or that refuses to enforce laws banning street camping or sleeping in public.
20. Stipulates that any city or town with a per capita rate of homelessness higher than the state average that refuses to enforce laws banning street camping or sleeping in public may not receive any state grants until the per capita rate is at or below the state average or the city or town enforces laws banning street camping and sleeping in public.
21. Requires the continuum of care survey to be conducted in tandem with the annual PIT count of homeless individuals and combined with information collected in the homeless management information system.
22. Requires all law enforcement agencies to cooperate with the continuum of care survey.
23. Requires the continuum of care survey to account for specified factors.
24. Requires, if practicable, ADOH to randomly select individuals from the group with highest total days and reward nonprofit organizations serving the individuals based on a reduction of the number of days relative to the group that was not selected with the number of days to be weighted as determined by ADOH.

STRIKER MEMO

H.B. 2668

Page 4

25. Modifies the definition of *danger to others* to include behavior of expressed threats of violence or overt acts that present a probability of physical injury to other persons.
26. Defines *camping, state property, structured camping facilities, per capita rate, state public safety grant, continuum of care, nonprofit organization* and *state monies*.
27. Makes technical changes and conforming changes.
28. Becomes effective on the general effective date.