

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2614**  
**101ST GENERAL ASSEMBLY**

5448H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To amend chapter 67, RSMo, by adding thereto one new section relating to funding for housing programs, with a delayed effective date and penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be known as section 67.2300, to read as follows:

**67.2300. 1. As used in this section, the following terms mean:**

(1) "Department", any department authorized to allocate funds raised by the state or federal funds received by the state for housing or homelessness;

(2) "State funds", any funds raised by the state and federal funds received by the state for housing or homelessness, but shall not include any federal funds not able to be used for housing programs pursuant to this section due to federal statutory or regulatory restrictions.

**2. State funds for the homeless shall be used for the following:**

(1) For parking areas, each area shall provide:

(a) Access to potable water and electric outlets; and

(b) Access to bathrooms sufficient to serve all of the parking areas;

(2) For camping facilities, individuals experiencing homelessness may camp and store personal property at such facilities, which shall be subject to the following:

(a) Individuals shall only camp and store personal property at such facilities in the areas designated to each individual by the agency providing the camping facilities; and

(b) Individuals shall complete a mental health and substance use evaluation as designated by a state or local agency;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

19           **(3) For individual shelters, which shall be subject to the following:**  
20           **(a) Be suitable to house between one and three individuals;**  
21           **(b) Provide basic sleeping accommodations and access to electricity;**  
22           **(c) Provide adequate access to showers and bathroom facilities; and**  
23           **(d) Be limited to occupation by each individual for a period of not more than two**  
24 **years; and**

25           **(4) For congregate shelters housing more than four homeless individuals in one**  
26 **space, state funds shall be available only to the extent the shelter monitors and provides**  
27 **programs to improve the employment, income, and prevention of return to**  
28 **homelessness of individuals leaving those shelters. The department shall provide**  
29 **performance payments of up to ten percent for such programs that meet guidelines as**  
30 **established by the department.**

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32 **Individuals utilizing such facilities pursuant to this subsection shall be entered into a**  
33 **homelessness management information system maintained by the department of mental**  
34 **health.**

35           **3. A private campground owner or an employee or officer of a private**  
36 **campground operating such facility pursuant to this section shall be subject to the**  
37 **provisions of section 537.328.**

38           **4. (1) State funds otherwise used for the construction of permanent housing for**  
39 **the homeless shall be used to assist such individuals with substance use, mental health**  
40 **treatment, and other services, including short-term housing. The department shall**  
41 **provide up to twenty-five percent of the base allocation of such funds as performance**  
42 **payments to political subdivisions or not-for-profit organizations providing such**  
43 **services as rewards for meeting predetermined goals on reductions of:**

44           **(a) Days unhoused;**

45           **(b) Days in jail or prison; and**

46           **(c) Days hospitalized, with the weights of such days to be determined by the**  
47 **department.**

48           **(2) Political subdivisions and not-for-profit organizations may use state grants**  
49 **otherwise used for permanent housing to conduct surveys to identify individuals with**  
50 **the greatest number of days unhoused, in jail or prison, or hospitalized but these**  
51 **expenses shall not exceed ten percent of the total grant amount.**

52           **5. No person shall be permitted to use state-owned lands for unauthorized**  
53 **sleeping, camping, or the construction of long-term shelters. Any violation of this**  
54 **subsection is a class C misdemeanor; however, for the first offense such individual shall**

55 be given a warning, and no citation shall be issued unless that individual refuses to move  
56 to any offered services or shelter.

57       6. (1) A political subdivision shall not adopt or enforce any policy under which  
58 the political subdivision prohibits or discourages the enforcement of any order or  
59 ordinance prohibiting public camping, sleeping, or obstructions of sidewalks.

60       (2) In compliance with subsection 5 of this section, a political subdivision shall  
61 not prohibit or discourage a peace officer or prosecuting attorney who is employed by or  
62 otherwise under the direction or control of the political subdivision from enforcing any  
63 order or ordinance prohibiting public camping, sleeping, or obstructions of sidewalks.

64       (3) The provisions of this section shall not prohibit a policy of any political  
65 subdivision that encourages diversion programs or offering of services in lieu of a  
66 citation or arrest.

67       (4) The attorney general shall have the power to bring a civil action in any court  
68 of competent jurisdiction against any political subdivision to enjoin the political  
69 subdivision from violating the provisions of this subsection.

70       (5) The attorney general may recover reasonable expenses incurred in any civil  
71 action brought under this section, including court costs, reasonable attorney's fees,  
72 investigative costs, witness fees, and deposition costs.

73       7. Any political subdivision with a higher per-capita rate of homelessness than  
74 the state average, as determined by the most recent United States census numbers for  
75 the overall population and the most recent federal Department of Housing and Urban  
76 Development homelessness point-in-time continuum of care, as defined by 24 C.F.R.  
77 578.5(a), in which the political subdivision is located, shall, within one year of the  
78 passage of this act, receive no further state funding by the department until the  
79 department determines:

80       (1) The political subdivision has a per-capita rate of unsheltered homeless  
81 individuals at or below the state average; or

82       (2) The political subdivision is in compliance with subsection 6 of this act.

83       8. The departments using state funds shall promulgate all rules and regulations  
84 to implement the provisions of this section. Any rule or portion of a rule, as that term is  
85 defined in section 536.010, that is created under the authority delegated in this section  
86 shall become effective only if it complies with and is subject to all of the provisions of  
87 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
88 nonseverable and if any of the powers vested with the general assembly pursuant to  
89 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
90 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
91 proposed or adopted after January 1, 2023, shall be invalid and void.

92           **9. The provisions of this section, including references to the disbursement of**  
93 **state grants and funds, shall not apply to shelters for victims of domestic violence as**  
94 **defined in section 455.200.**

          Section B. The enactment of section 67.2300 of this act shall become effective on  
2 January 1, 2023.

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