

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eskamani offered the following:

**Amendment (with title amendment)**

Remove lines 42-137 and insert:

(2) A county may, by majority vote of the county's governing body, designate property owned by the county or a municipality within the boundaries of the county to be used for a continuous period of no longer than 1 year for the purposes of public camping or sleeping. If the designated property is within the boundaries of a municipality, the designation is contingent upon the concurrence of the municipality by majority vote of the municipality's governing body.

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13        (a) A county designation is not effective until the  
14 department certifies the designation. To obtain department  
15 certification, the county shall submit a request to the  
16 Secretary of Children and Families which shall include  
17 certification of, and documentation proving, the following:

18        1. There are not sufficient open beds in homeless shelters  
19 in the county for the homeless population of the county.

20        2. The designated property is not contiguous to property  
21 designated for residential use by the county or municipality in  
22 the local government comprehensive plan and future land use map.

23        3. The designated property would not adversely and  
24 materially affect the property value or safety and security of  
25 other existing residential or commercial property in the county  
26 or municipality and would not negatively affect the safety of  
27 children.

28        4. The county has developed a plan to satisfy the  
29 requirements of paragraph (b).

30  
31 Upon receipt of a county request to certify a designation, the  
32 department shall notify the county of the date of receiving the  
33 request, and of any omission or error, within 10 days after  
34 receipt by the department. The department shall certify the  
35 designation within 45 days after receipt of a complete  
36 submission from the county, and the designation shall be deemed  
37 certified on the 45th day if the department takes no action.

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38 (b) Except as provided in paragraph (e), if a county  
39 designates county or municipal property to be used for public  
40 camping or sleeping, it must establish and maintain minimum  
41 standards and procedures related to the designated property for  
42 the purposes of:

43 1. Ensuring the safety and security of the designated  
44 property and the persons lodging or residing on such property.

45 2. Maintaining sanitation, which must include, at a  
46 minimum, providing access to clean and operable restrooms and  
47 running water.

48 3. Coordinating with the regional managing entity to  
49 provide access to behavioral health services, which must include  
50 substance abuse and mental health treatment resources.

51 4. Prohibiting illegal substance use and alcohol use on  
52 the designated property and enforcing such prohibition.

53 (c) Within 30 days after certification of a designation by  
54 the department, the county must publish the minimum standards  
55 and procedures required under paragraph (b) on the county's and,  
56 if applicable, the municipality's publicly accessible websites.  
57 The county and municipality must continue to make such policies  
58 and procedures publicly available for as long as any county or  
59 municipal property remains designated under paragraph (a).

60 (d) The department may inspect any designated property at  
61 any time, and the secretary may provide notice to the county  
62 recommending closure of the designated property if the

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63 requirements of this section are no longer satisfied. A county  
64 and, if applicable, a municipality must publish any such notice  
65 issued by the department on the county's and, if applicable, the  
66 municipality's publicly accessible websites within 5 business  
67 days after receipt of the notice.

68 (e) A fiscally constrained county is exempt from the  
69 requirement to establish and maintain minimum standards and  
70 procedures under subparagraphs (b)1.-3. if the governing board  
71 of the county makes a finding that compliance with such  
72 requirements would result in a financial hardship.

73 (3) (a) A resident of the county, an owner of a business  
74 located in the county, or the Attorney General may bring a civil  
75 action in any court of competent jurisdiction against the county  
76 or applicable municipality to enjoin a violation of subsection  
77 (2). If the resident or business owner prevails in a civil  
78 action, the court may award reasonable expenses incurred in  
79 bringing the civil action, including court costs, reasonable  
80 attorney fees, investigative costs, witness fees, and deposition  
81 costs.

82 (b) An application for injunction filed pursuant to this  
83 subsection must be accompanied by an affidavit attesting that:

84 1. The applicant has provided written notice of the  
85 alleged violation of subsection (2) to the governing board of  
86 the county or applicable municipality.

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87 2. The applicant has provided the county or applicable  
88 municipality with 5 business days to cure the alleged violation.

89 3. The county or applicable municipality has failed to  
90 take all reasonable actions within the limits of its  
91 governmental authority to cure the alleged violation within 5  
92 business days after receiving written notice of the alleged  
93 violation.

94 (4) This section does not apply to a county during any

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**T I T L E A M E N D M E N T**

98 Remove lines 4-9 and insert:  
99 definitions; authorizing counties to designate certain  
100 public property for public camping or sleeping on  
101 public property for a