

REFERENCE TITLE: homelessness; facilities; housing

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

SCR 1011

Introduced by
Senator Kaiser

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING
TO HOMELESSNESS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to homelessness, is enacted to become
5 valid as a law if approved by the voters and on proclamation of the
6 Governor:

7 AN ACT

8 AMENDING SECTION 41-3955, ARIZONA REVISED STATUTES; AMENDING
9 TITLE 41, CHAPTER 37, ARTICLE 2, ARIZONA REVISED STATUTES, BY
10 ADDING SECTION 41-3956; RELATING TO HOMELESSNESS.

11 Be it enacted by the Legislature of the State of Arizona:

12 Section 1. Section 41-3955, Arizona Revised Statutes,
13 is amended to read:

14 41-3955. Housing trust fund; purpose; annual report

15 A. The housing trust fund is established, and the
16 director shall administer the fund. The fund consists of
17 monies from unclaimed property deposited in the fund pursuant
18 to section 44-313, monies transferred pursuant to section
19 35-751 and investment earnings.

20 B. On notice from the department, the state treasurer
21 shall invest and divest monies in the fund as provided by
22 section 35-313, and monies earned from investment shall be
23 credited to the fund.

24 C. Except as provided in subsection D of this section,
25 fund monies shall be spent on approval of the department for
26 developing projects and programs connected with providing
27 housing opportunities for low and moderate income households
28 and for housing affordability programs. ~~Pursuant to section~~
29 ~~44-313, subsection A,~~ A portion of fund monies shall be used
30 exclusively for housing in rural areas.

31 D. Fund monies may be spent AS FOLLOWS:

32 1. On constructing or renovating facilities and on
33 housing assistance, including support services, for persons
34 who have been determined to be seriously mentally ill and to
35 be chronically resistant to treatment.

36 2. FOR THE PURPOSES OF SECTION 41-3956.

37 E. For the purposes of subsection C of this section, in
38 approving the expenditure of monies, the director shall give
39 priority to funding projects that provide for operating,
40 constructing or renovating facilities for housing for
41 low-income families and that provide housing and shelter to
42 families that have children.

1 F. The director shall report annually to the
2 legislature on the status of the housing trust fund. The
3 report shall include a summary of facilities for which funding
4 was provided during the preceding fiscal year and shall show
5 the cost and geographic location of each facility and the
6 number of individuals benefiting from the operation,
7 construction or renovation of the facility. The report shall
8 also include the number of individuals who benefit from
9 housing assistance pursuant to subsection D of this section.
10 The report shall be submitted to the president of the senate
11 and the speaker of the house of representatives, and a copy
12 provided to the secretary of state, not later than September 1
13 of each year.

14 G. Monies in the housing trust fund are exempt from the
15 provisions of section 35-190 relating to lapsing of
16 appropriations.

17 H. An amount not to exceed ten percent of the housing
18 trust fund monies may be appropriated annually by the
19 legislature to the department for administrative costs in
20 providing services relating to the housing trust fund.

21 I. For any construction project financed by the
22 department pursuant to this section, the department shall
23 notify a city, town, county or tribal government that a
24 project is planned for its jurisdiction and, before
25 proceeding, shall seek comment from the governing body of the
26 city, town, county or tribal government or an official
27 authorized by the governing body of the city, town, county or
28 tribal government. The department shall not interfere with or
29 attempt to override the local jurisdiction's planning, zoning
30 or land use regulations.

31 Sec. 2. Title 41, chapter 37, article 2, Arizona
32 Revised Statutes, is amended by adding section 41-3956, to
33 read:

34 41-3956. Homelessness; facilities; campgrounds;
35 shelters; requirements; political
36 subdivisions; civil actions; rules;
37 violation; classification

38 A. THE DEPARTMENT SHALL ACCEPT AND ALLOCATE MONIES THAT
39 ARE APPROPRIATED BY THE LEGISLATURE FOR SERVICES FOR
40 INDIVIDUALS EXPERIENCING HOMELESSNESS. MONIES SHALL BE USED
41 FOR ALL OF THE FOLLOWING:

42 1. PARKING AREAS THAT HAVE ACCESS TO POTABLE WATER,
43 ELECTRIC OUTLETS AND BATHROOMS THAT ARE SUFFICIENT TO SERVE
44 THAT PARKING AREA.

1 2. CAMPING FACILITIES THAT ARE LIMITED TO INDIVIDUALS
2 EXPERIENCING HOMELESSNESS AND EACH INDIVIDUAL'S PERSONAL
3 PROPERTY. INDIVIDUALS EXPERIENCING HOMELESSNESS MAY CAMP AND
4 STORE PERSONAL PROPERTY ONLY AT FACILITIES IN AREAS DESIGNATED
5 BY THE AGENCY PROVIDING THE CAMPING FACILITY. EACH CAMPING
6 FACILITY SHALL OFFER MENTAL HEALTH AND SUBSTANCE ABUSE
7 EVALUATIONS AS DESIGNATED BY A STATE OR LOCAL AGENCY.

8 3. INDIVIDUAL SHELTERS THAT MEET ALL OF THE FOLLOWING:

9 (a) ARE SUITABLE TO HOUSE NOT MORE THAN THREE
10 INDIVIDUALS.

11 (b) PROVIDE BASIC SLEEPING ACCOMMODATIONS AND ACCESS TO
12 ELECTRICITY.

13 (c) PROVIDE ADEQUATE ACCESS TO SHOWERS AND BATHROOM
14 FACILITIES.

15 (d) ALLOW INDIVIDUALS TO OCCUPY THE SHELTER FOR NOT
16 MORE THAN TWO YEARS.

17 4. SHELTERS THAT HOUSE AT LEAST FOUR INDIVIDUALS IN A
18 SINGLE SPACE AND THAT MONITOR AND PROVIDE PROGRAMS TO IMPROVE
19 THE EMPLOYMENT AND INCOME OF AND TO PREVENT A RETURN TO
20 HOMELESSNESS FOR ALL INDIVIDUALS LEAVING THE SHELTERS.

21 5. SERVICES TO ASSIST INDIVIDUALS EXPERIENCING
22 HOMELESSNESS WITH SUBSTANCE ABUSE TREATMENT, MENTAL HEALTH
23 TREATMENT AND ANY OTHER SERVICES, INCLUDING SHORT-TERM
24 HOUSING.

25 B. THE DEPARTMENT SHALL PRIORITIZE SPENDING FOR ALL OF
26 THE PURPOSES PRESCRIBED IN SUBSECTION A OF THIS SECTION BEFORE
27 SPENDING MONIES ON PERMANENT HOUSING FOR INDIVIDUALS
28 EXPERIENCING HOMELESSNESS.

29 C. THE OWNER OF A PRIVATE CAMPGROUND DESCRIBED IN
30 SUBSECTION A OF THIS SECTION OR AN EMPLOYEE OR OFFICER OF THE
31 PRIVATE CAMPGROUND IS NOT LIABLE IN ANY CIVIL ACTION THAT
32 ARISES OUT OF THE OWNERSHIP, OPERATION OR MANAGEMENT OF THE
33 CAMPGROUND UNLESS THE CLAIM INVOLVES INTENTIONAL OR GROSSLY
34 NEGLIGENT CONDUCT.

35 D. THE DEPARTMENT MAY USE MONIES APPROPRIATED BY THE
36 LEGISLATURE TO CONSTRUCT PERMANENT HOUSING FOR INDIVIDUALS
37 EXPERIENCING HOMELESSNESS. THE DEPARTMENT SHALL PROVIDE NOT
38 MORE THAN TWENTY-FIVE PERCENT OF THE BASELINE ALLOCATION FOR
39 ANY GRANT AS A BONUS PAYMENT FOR POLITICAL SUBDIVISIONS IN
40 THIS STATE OR NONPROFIT ORGANIZATIONS THAT CAN MEET
41 PREDETERMINED GOALS FOR REDUCING DAYS IN JAIL OR PRISON AND
42 DAYS HOSPITALIZED FOR INDIVIDUALS EXPERIENCING HOMELESSNESS.

43 E. ANY POLITICAL SUBDIVISION THAT HAS A HIGHER PER
44 CAPITA RATE OF HOMELESSNESS THAN THE STATE AVERAGE AS
45 DETERMINED BY THE MOST RECENT UNITED STATES DECENNIAL CENSUS

1 AND THAT RECEIVES MONIES PURSUANT TO THIS SECTION MAY NOT
2 RECEIVE ANY FURTHER FUNDING UNDER THIS SECTION UNTIL THE
3 DEPARTMENT DETERMINES THE FOLLOWING:

4 1. THE POLITICAL SUBDIVISION HAS A PER CAPITA RATE OF
5 INDIVIDUALS EXPERIENCING HOMELESSNESS AT OR BELOW THE STATE
6 AVERAGE.

7 2. THE POLITICAL SUBDIVISION IS IN COMPLIANCE WITH
8 SUBSECTION G OF THIS SECTION.

9 F. A PERSON MAY NOT USE OR ALLOW TO BE USED STATE OR
10 LOCAL GOVERNMENT OWNED LANDS FOR ANY UNAUTHORIZED SLEEPING,
11 CAMPING OR LONG-TERM SHELTER. A PERSON WHO VIOLATES THIS
12 SUBSECTION SHALL RECEIVE A WARNING FOR THE FIRST OFFENSE, AND
13 NO CITATION SHALL BE ISSUED. A SECOND OR SUBSEQUENT VIOLATION
14 OF THIS SECTION IS A CLASS 3 MISDEMEANOR, EXCEPT THAT SERVICES
15 OR SHELTER MAY BE OFFERED IN LIEU OF A CRIMINAL CITATION IF
16 THE INDIVIDUAL DOES NOT CONTINUE TO USE THE LAND FOR
17 PROHIBITED PURPOSES.

18 G. A POLITICAL SUBDIVISION MAY NOT:

19 1. ADOPT OR ENFORCE ANY POLICIES THAT DIRECTLY OR
20 INDIRECTLY PROHIBIT OR DISCOURAGE THE ENFORCEMENT OF ANY ORDER
21 OR ORDINANCE THAT PROHIBITS PUBLIC CAMPING OR SLEEPING OR
22 OBSTRUCTING A PUBLIC RIGHT-OF-WAY, INCLUDING ROADS AND
23 SIDEWALKS.

24 2. DIRECTLY OR INDIRECTLY PROHIBIT OR DISCOURAGE A
25 PEACE OFFICER OR PROSECUTING ATTORNEY WHO IS EMPLOYED BY OR
26 UNDER THE DIRECTION OR CONTROL OF THE POLITICAL SUBDIVISION
27 FROM ENFORCING ANY ORDER OR ORDINANCE THAT PROHIBITS PUBLIC
28 CAMPING OR SLEEPING OR OBSTRUCTING A PUBLIC RIGHT-OF-WAY,
29 INCLUDING ROADS AND SIDEWALKS.

30 H. THIS SECTION DOES NOT PROHIBIT A POLITICAL
31 SUBDIVISION FROM OFFERING DIVERSION PROGRAMS OR SERVICES
32 INSTEAD OF ISSUING A CITATION OR MAKING AN ARREST IF THE
33 INDIVIDUAL DOES NOT CONTINUE TO USE THE LAND FOR PROHIBITED
34 PURPOSES.

35 I. THE ATTORNEY GENERAL MAY BRING A CIVIL ACTION IN ANY
36 COURT OF COMPETENT JURISDICTION AGAINST ANY POLITICAL
37 SUBDIVISION TO ENJOIN THE POLITICAL SUBDIVISION FROM VIOLATING
38 ANY PROVISION OF THIS SECTION. THE ATTORNEY GENERAL MAY
39 RECOVER REASONABLE EXPENSES INCURRED IN ANY CIVIL ACTION
40 BROUGHT UNDER THIS SECTION, INCLUDING COURT COSTS, ATTORNEY
41 FEES, INVESTIGATIVE COSTS, WITNESS FEES AND DEPOSITION COSTS.

42 J. THE DEPARTMENT SHALL ADOPT RULES NECESSARY TO CARRY
43 OUT THIS SECTION.

1 Sec. 3. Severability

2 If a provision of this act or its applications to any
3 person or circumstance is held invalid, the invalidity does
4 not affect other provisions or applications of the act that
5 can be given effect without the invalid provision or
6 application, and to this end the provisions of this act are
7 severable.

8 2. The Secretary of State shall submit this proposition to the
9 voters at the next general election as provided by article IV, part 1,
10 section 1, Constitution of Arizona.