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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4225

03/10/2022

Authored by Gomez and Keeler

The bill was read for the first time and referred to the Committee on Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to local government; requiring local governments to create policies
1.3 regarding homeless encampments; amending Minnesota Statutes 2020, section
1.4 160.27, by adding a subdivision; proposing coding for new law in Minnesota
1.5 Statutes, chapter 465.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2020, section 160.27, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 10a. Agreements relating to property removed from state-owned land. (a)
1.10 The commissioner may enter into an agreement with a statutory or home rule charter city
1.11 or county that has a population of 50,000 or more for the city or county to manage removal,
1.12 storage, and disposition of personal property deposited, left, or displayed on property that
1.13 is under the jurisdiction of the department.

1.14 (b) An intergovernmental agreement entered into under this subdivision must conform
1.15 with the requirements for local government policy for removal of homeless individuals and
1.16 personal property under section 465.91, except that, in circumstances where written notice
1.17 is required prior to removal under section 465.91, the notices described in section 465.91
1.18 must be posted 48 hours before removal.

1.19 (c) In addition to the requirements described in paragraph (b), an intergovernmental
1.20 agreement entered into under this subdivision must include the following:

1.21 (1) requirements for posting notice before the removal of personal property, including
1.22 but not limited to the following:

2.1 (i) that the notice is created using durable materials and securely posted within 30 feet
 2.2 of the personal property to be removed;

2.3 (ii) that the notice must provide the date the notice begins and the date upon which the
 2.4 city or county may begin removing personal property; and

2.5 (iii) that the notice must provide a description of:

2.6 (A) how an individual may access personal property that is removed and stored; and

2.7 (B) the length of time the city or county will store personal property before the city or
 2.8 county disposes of it;

2.9 (2) a requirement that the notice expires ten days after the city or county posts the notice;

2.10 (3) a severe weather protocol regarding the weather conditions under which the city or
 2.11 county will not remove personal property;

2.12 (4) provisions related to the inventory and storage of personal property to be removed;

2.13 (5) provisions related to the city or county relinquishing unclaimed personal property
 2.14 after the storage period to the designated agent of the city or county; and

2.15 (6) provisions related to when the city or county will provide impact reduction services,
 2.16 such as trash collection.

2.17 (d) Before a city or county either adopts an intergovernmental agreement under this
 2.18 subdivision or changes an existing agreement, the county or city shall invite public comment
 2.19 on the proposed agreement or the proposed changes to the agreement.

2.20 **Sec. 2. [465.91] LOCAL GOVERNMENT POLICIES REGARDING HOMELESS**
 2.21 **ENCAMPMENTS.**

2.22 Subdivision 1. Local policies regarding homeless encampments. (a) All cities and
 2.23 counties shall:

2.24 (1) develop a policy that recognizes the differing aspects of homeless individuals camping
 2.25 on public property; and

2.26 (2) implement the policy as developed, to ensure the most humane treatment for removal
 2.27 of homeless individuals from camping sites on public property.

2.28 (b) A policy developed pursuant to this section must conform to, but is not limited to,
 2.29 the provisions in subdivision 2.

3.1 Subd. 2. Policy requirements. (a) Except as provided in paragraph (d), at least 72 hours
3.2 before removing homeless individuals from an established camping site, the local law
3.3 enforcement agency with jurisdiction over the camping site shall post a conspicuous notice,
3.4 written in English, Spanish, and any other language known to be spoken by a significant
3.5 number of the individuals living at the camping site, at all entrances to the camping site to
3.6 the extent that the entrances can reasonably be identified. When the notice is posted, the
3.7 law enforcement agency shall inform the local community health board and the local agency
3.8 that delivers social services to homeless individuals of the location of the notice. The local
3.9 agency may arrange for outreach workers to visit the camping site where a notice is posted
3.10 to assess the need for social service assistance in arranging shelter and other assistance.

3.11 (b) At a camping site where written notice is required prior to removal pursuant to this
3.12 section, the written notice shall state:

3.13 (1) where unclaimed personal property will be stored;

3.14 (2) a phone number that individuals may call to find out where the property will be
3.15 stored; or

3.16 (3) if a permanent storage location has not yet been determined, the address and phone
3.17 number of an agency that will have the information when available.

3.18 (c) If a funeral service is scheduled with less than 72 hours' notice at a cemetery with a
3.19 camping site, or a camping site is established at the cemetery less than 72 hours before the
3.20 scheduled service, the written notice required under paragraph (a) must be posted 24 hours
3.21 before removing homeless individuals from the camping site.

3.22 (d) The notice requirement under paragraph (a) shall not apply when the mayor of a city
3.23 or the administrative head or at-large chair of a county makes the determination, in
3.24 consultation with public health officials, that the camp poses a risk of imminent harm or
3.25 danger to encampment residents or others. Conditions endemic to homeless encampments
3.26 do not constitute a risk of imminent harm or danger. After making this determination, the
3.27 city or county must work with state and local agencies to develop an emergency response
3.28 plan to extricate encampment residents in a safe and dignified manner.

3.29 (e) Whether or not written notice is required prior to removal under this section, all
3.30 personal property at the camping site that remains unclaimed after removal shall be given
3.31 to a law enforcement official, a local agency that delivers social services to homeless
3.32 individuals, an outreach worker, a local agency official, or a person authorized to issue a
3.33 citation described in paragraph (h). The unclaimed personal property must be stored in a
3.34 facility located in the same community as the camping site from which it was removed. The

4.1 property must be stored in an orderly fashion, keeping items that belong to an individual
4.2 together to the extent that ownership can reasonably be determined. The property must be
4.3 stored for a minimum of 30 days during which it must be reasonably available to any
4.4 individual claiming ownership. Any personal property that remains unclaimed for 30 days
4.5 may be disposed of or donated to a nonprofit corporation established under chapter 317A
4.6 and in compliance with chapter 317A.

4.7 (f) The requirements in paragraph (e) for storage of personal property are subject to the
4.8 following exceptions:

4.9 (1) items that have no apparent value or utility or are in an unsanitary condition may be
4.10 discarded immediately; and

4.11 (2) weapons, controlled substances other than properly labeled prescription medication,
4.12 and items that appear to be either stolen or evidence of a crime shall be given to or retained
4.13 by the local law enforcement agency.

4.14 (g) Following the removal of homeless individuals from a camping site on public
4.15 property, the law enforcement officials, local agency officials, and outreach workers may
4.16 meet to assess the notice and removal policy, to discuss whether the removals are occurring
4.17 in a humane and just manner and to determine if any changes are needed in the policy.

4.18 (h) A person authorized to issue a citation for unlawful camping or loitering on public
4.19 land under state law, administrative rule, or city or county ordinance may not issue the
4.20 citation if the citation would be issued within 200 feet of a notice required under this section
4.21 and within two hours before or after the notice was posted.

4.22 Subd. 3. **Preemption by more protective local policies.** Any law or policy of a city or
4.23 county that offers greater protections to homeless individuals subject to removal from an
4.24 established camping site preempts contrary provisions of this section.