

****Section 1. Short Title****

“This Act may be cited as the ‘Service Provider Protection for Homeless Assistance Act.’”

****Section 2. Findings and Purpose****

The Legislature finds and declares that service providers, community groups, and individuals play an essential role in addressing homelessness by delivering housing assistance, health care, food, shelter, and other basic survival services. There is not enough affordable housing and shelter available in the United States to meet the needs of people experiencing homelessness.

As of 2024, on any given night, over xxxx people are experiencing homelessness in {insert state}. Data from the United States Department of Housing and Urban Development’s Housing Inventory Count show despite more than xxxx people cycling through homelessness statewide, {insert state} had only xxxx shelter beds and xxxx units of permanent supportive housing.

Homelessness is a policy failure primarily caused by the unaffordability of housing in {insert state}, with over xxxx extremely low-income households spending more than one-half their income on rent, and not the result of personal failings of people experiencing homelessness. This housing crisis is the result of decades of failed housing policy, coupled with structural and institutional racism, and a lack of sufficient investment in affordable housing and other programs to address homelessness.

The solution to homelessness is affordable housing and robust supportive services, as demonstrated by years of peer-reviewed research.

Homelessness is disproportionately experienced by Black, Indigenous, and other groups that have experienced historical and continued discrimination, and excessive penalties related to homelessness contribute to and exacerbate the racist outcomes in housing and criminal justice.

Arresting, fining, and jailing people experiencing homelessness for the act of living outside and conducting life-sustaining activities does not contribute to ending their homelessness.

A growing body of research suggests that these responses to homelessness add additional barriers to ending someone’s homelessness, including causing people to lose touch with case managers, family, and friends seeking to assist them to find housing.

These barriers also include missing work and losing the income needed to get back into housing.

These barriers also include missing critical health care appointments that may contribute to deteriorating health.

These barriers also include loss of key property, including identification, birth certificates, and other documents that are needed to access subsidized housing, essential services, and public benefits.

These barriers also include financial penalties that can increase debt, damage credit, and result in bench warrants that result in additional jail time, all of which detract from efforts to regain housing.

Criminalization exacerbates public health crises by disrupting access to essential care and disrupts efforts to provide medication and hygiene supplies,

Criminalization leads to waste of valuable public resources, spending resources on displacement that does not solve the crisis but rather prolongs it;

Criminalization also adds risks to the community-based service provider organizations and community members working with the population experiencing homelessness, hindering the responsiveness of both publicly funded and other community-based responses to end homelessness.

Restrictive regulations and the criminalization of homelessness hinder access to these essential services, undermine public health, create barriers to housing and employment, waste limited public resources, and discourage providers from engaging in life-saving work.

It is therefore the intent of this Act to protect service providers and prohibit local or state governments from enacting or enforcing laws that prevent service providers, faith groups, culturally responsive organizations, and other community members, from offering essential services, supplies, and assistance to their unhoused neighbors.

****Section 3. Definitions****

Service provider or other individuals and groups providing assistance hereafter referred to as “Assisting entity” means any nonprofit organization, faith-based group, community organization, public entity, or individual offering support, resources, or advocacy to persons experiencing homelessness.

“Basic services or resources” includes, but is not limited to food, water, clothing, medication and medical care as authorized by state and federal law, behavioral health care, legal services, case management, outreach, housing assistance, supportive services, and harm reduction services as defined under applicable state and federal law.

“Supplies that assist with survival” means items necessary to preserve life or well-being for unhoused persons, including but not limited to tents, tarps, blankets, sleeping bags, pillows, hygiene products, identity documents, medical equipment and devices as authorized by state and federal law, protective gear, and supplies that provide protection from inclement weather.

“Ordinance or regulation” means any law, rule, policy, directive, or enforcement action adopted or applied by a state or local government that restricts or penalizes the provision of basic services or survival supplies to unhoused persons.

“Unhoused person” means an individual who lacks a fixed, regular, and adequate nighttime residence, consistent with the definition of homelessness under 42 U.S.C. § 11302 and other applicable federal or state statutes.

“Social service agency” means a public or private entity that delivers assistance or services including but not limited to housing, employment, education, health care, childcare, nutrition assistance, or other forms of support to individuals or families regardless of housing status.

****Section 4. Prohibition****

General Protection. Notwithstanding any other law, assisting entities shall not be subject to local or state laws, ordinances, regulations, or enforcement actions that prohibit, restrict, or penalize the provision of basic services or resources, or supplies that assist with survival to an unhoused individual. Nothing in this Act shall be construed as authorizing service providers or other individuals to disregard or violate otherwise applicable laws and regulations.

Administrative Burdens. No jurisdiction may impose unduly burdensome licensing, permitting, reporting, or administrative requirements on service providers assisting unhoused persons that do not otherwise apply equally to other social service agencies operating within the same jurisdiction.

Non-Discrimination. Municipal or local governments may not adopt or enforce ordinances or regulations that single out providers of homelessness services for disparate treatment or restrictions not applied to comparable community service organizations.

Freedom from Interference. No government entity shall interfere with or impede the lawful provision of services, resources, or supplies by service providers.

****Section 5. Enforcement****

The Attorney General, service providers, social service agencies, community groups, faith-based entities, or individuals may bring injunctive relief against any ordinance,

regulation, or policy that restricts or penalizes the provision of services or supplies to unhoused persons.

The Attorney General, independently or/and on behalf of the affected service providers, shall have the authority to ensure compliance with this statute.

A successful plaintiff may recover reasonable attorneys' fees and costs.

Any ordinance, regulation, or policy in conflict with this Act is void.

Retaliation against entities or individuals exercising their rights under this Act is prohibited.

****Section 6. Severability Clause****

If any provision of this Act is held invalid, the remainder shall not be affected and shall remain in effect.

****Section 7. Effective Date****

The first day of the year XXXX.