

# HOUSE BILL No. 1413

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-20-12; IC 34-30-2.1-49.5; IC 35-52-36-0.5; IC 36-1-31.5.

**Synopsis:** State and local policies on homelessness. Cancels the appropriation in the 2023 budget bill for the state's housing first program and reallocates that appropriation to the Indiana housing and community development authority (authority) as follows: (1) Provides that state funds for homelessness must be used for: (A) parking areas; (B) camping facilities; (C) individual shelters; and (D) congregate shelters; and specifies conditions and requirements applicable to those facilities. (2) Provides that state funds otherwise used for permanent housing must be used to assist individuals with substance use, mental health treatment, and other services, including short term housing. Provides that the authority must award certain funds as performance payments for political subdivisions or nonprofit organizations that reduce the number of individuals with days unhoused, days in jail or prison, or days hospitalized. Specifies that a person who owns or operates a private camping facility funded under the bill's provisions is immune from civil liability. Prohibits an individual from camping, sleeping, or using for long term shelter land owned by the state or a political subdivision, unless the land has been authorized for that use under the provisions added by the bill or another law. Provides, if certain elements are met, that a person who knowingly or intentionally uses land owned by the state or a political subdivision for unauthorized camping, sleeping, or for long term shelter commits a Class C misdemeanor. Establishes an affirmative defense to such a prosecution. Prohibits a political subdivision from adopting or enforcing any policy that prohibits or discourages the enforcement of any order or ordinance prohibiting public camping, sleeping, or other obstruction of a  
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**Effective:** July 1, 2024.

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## Davis

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January 11, 2024, read first time and referred to Committee on Government and Regulatory Reform.



Digest Continued

sidewalk. Authorizes the attorney general to bring a civil action to enjoin a political subdivision that adopts or enforces such a policy. Makes conforming changes. Makes an appropriation.



Introduced

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1413



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-20-12 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2024]:  
4 **Chapter 12. Use of State Funds for Housing or Homelessness**  
5 **Sec. 1. This chapter does not apply to the disbursement or**  
6 **provision of state grants and funds to shelters for victims of**  
7 **domestic violence.**  
8 **Sec. 2. As used in this chapter, "authority" refers to the Indiana**  
9 **housing and community development authority created by**  
10 **IC 5-20-1-3.**  
11 **Sec. 3. As used in this chapter, "political subdivision" has the**  
12 **meaning set forth in IC 36-1-2-13.**  
13 **Sec. 4. (a) As used in this chapter, "state funds" means any**  
14 **funds appropriated to the authority by the state for housing or**  
15 **homelessness and includes any federal funds received by the state**



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for housing or homelessness.

(b) The term does not include any federal funds to the extent the expenditure of the federal funds is lawfully restricted to exclude housing or homelessness programs set forth in this chapter.

Sec. 5. The amount appropriated to the authority for the housing first program for the state fiscal year beginning July 1, 2024, and ending June 30, 2025, under SECTION 6 of P.L.201-2023 is canceled.

Sec. 6. The canceled appropriation as described in section 5 of this chapter is appropriated to the authority for the state fiscal year beginning July 1, 2024, and ending June 30, 2025, for the purposes set forth in this chapter.

Sec. 7. State funds appropriated under section 6 of this chapter and other funds available to the authority for programs for the homeless (to the extent those other funds are not previously encumbered, obligated, or allotted for another lawful purpose related to homelessness) shall also be used for the following purposes:

(1) For parking areas, at which the following shall be available:

(A) Access to potable water and electric outlets.

(B) Access to bathrooms sufficient to serve all of the parking areas.

(2) For camping facilities at which only an individual experiencing homelessness may camp and store personal property. The following requirements apply to a camping facility:

(A) An individual shall only camp and store personal property at a camping facility in the areas designated to each individual by the agency providing the camping facility.

(B) Each camping facility shall offer a mental health and substance use evaluation as designated by a state or local agency. An individual who uses the camping facility may complete the evaluation.

(3) For individual shelters, which must meet each of the following criteria:

(A) The individual shelter is suitable to house between one (1) and three (3) individuals.

(B) The individual shelter provides basic sleeping accommodations and access to electricity.

(C) The individual shelter provides adequate access to



1 showers and bathroom facilities.

2 (D) The individual shelter is limited to occupation by each  
3 individual for a period of not more than two (2) years.

4 (4) For congregate shelters housing more than four (4)  
5 homeless individuals in one (1) space. State funds shall be  
6 available under this subdivision only to the extent the shelter  
7 monitors and provides programs to improve the employment,  
8 income, and prevention of return to homelessness of an  
9 individual who leaves a congregate shelter. The authority  
10 shall provide performance payments of up to ten percent  
11 (10%) for monitoring programs that meet guidelines as  
12 established by the authority.

13 An individual who uses a facility described in this section shall be  
14 entered into a homelessness management information system  
15 maintained by the local continuum of care.

16 Sec. 8. (a) In addition to the purposes described in section 7 of  
17 this chapter, state funds must also be used to assist individuals  
18 experiencing homelessness with substance use, mental health  
19 treatment, and other services, including short term housing.

20 (b) The authority shall provide up to twenty-five percent (25%)  
21 of the base allocation of funds as performance payments to a  
22 political subdivision or a nonprofit organization providing services  
23 under section 7 of this chapter or subsection (a) for meeting  
24 predetermined goals on reductions of each of the following:

25 (1) Days unhoused.

26 (2) Days in jail or prison.

27 (3) Days hospitalized, with the relative weight of days  
28 hospitalized to be determined by the authority.

29 (c) A political subdivision or a nonprofit organization may use  
30 state grants received to conduct surveys to identify individuals with  
31 the greatest number of days unhoused, in jail or prison, or  
32 hospitalized, but these expenses shall not exceed ten percent (10%)  
33 of the total grant amount.

34 Sec. 9. Any political subdivision with a higher per capita rate of  
35 homelessness than the state average, as determined by the most  
36 recent United States census numbers for the overall population and  
37 the most recent federal Department of Housing and Urban  
38 Development homelessness point-in-time continuum of care, as  
39 defined by 24 CFR 578.5(a), for the political subdivision, shall,  
40 after June 30, 2025, receive no further state funding by the  
41 authority until the authority determines that the political  
42 subdivision:



- 1           (1) has a per capita rate of unsheltered homeless individuals  
 2           at or below the state average; or  
 3           (2) is otherwise in compliance with this chapter.

4           **Sec. 10. A private campground owner or an employee or officer**  
 5 **of a private campground operating a facility funded under this**  
 6 **chapter is immune from civil liability for all claims, excluding**  
 7 **claims involving the person's intentional or grossly negligent**  
 8 **conduct, arising out of the ownership, operation, management, or**  
 9 **other control of the facility.**

10          **Sec. 11. The authority may adopt rules under IC 4-22-2 to carry**  
 11 **out this chapter.**

12          SECTION 2. IC 34-30-2.1-49.5 IS ADDED TO THE INDIANA  
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 14 [EFFECTIVE JULY 1, 2024]: **Sec. 49.5. IC 5-20-12-10 (Concerning**  
 15 **the operation of a facility for the homeless by a private**  
 16 **campground owner or an employee or officer of a private**  
 17 **campground).**

18          SECTION 3. IC 35-52-36-0.5 IS ADDED TO THE INDIANA  
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2024]: **Sec. 0.5. IC 36-1-31.5-1 defines a**  
 21 **crime concerning the unauthorized use of land owned by the state**  
 22 **or a political subdivision to camp, sleep, or use for long term**  
 23 **shelter.**

24          SECTION 4. IC 36-1-31.5 IS ADDED TO THE INDIANA CODE  
 25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2024]:

27           **Chapter 31.5. Prohibition of Street Camping**

28           **Sec. 1. (a) A person may not camp, sleep, or use for long term**  
 29 **shelter land owned by the state or a political subdivision, unless the**  
 30 **land has been authorized for that use under IC 5-20-12 or another**  
 31 **law.**

32           **(b) If:**

33           **(1) a person violates subsection (a); and**

34           **(2) the person has not previously violated subsection (a);**

35 **the law enforcement officer who discovers the violation shall first**  
 36 **give the person a warning and offer to transport the person to a**  
 37 **location authorized under IC 5-20-12 or another law to receive**  
 38 **services or shelter.**

39           **(c) A person who knowingly or intentionally violates subsection**  
 40 **(a) after:**

41           **(1) having first received a warning under subsection (b); and**

42           **(2) twenty-four (24) hours have elapsed since the warning was**



1           given under subsection (b);  
2           commits a Class C misdemeanor.

3           (d) It is a defense to a prosecution under subsection (c) that  
4           there are no services or shelter available at a location authorized  
5           under IC 5-20-12 or another law within five (5) miles of where the  
6           violation of this section occurred.

7           Sec. 2. (a) A political subdivision shall not adopt or enforce any  
8           policy under which the political subdivision prohibits or  
9           discourages the enforcement of any order or ordinance prohibiting  
10          public camping, sleeping, or other obstruction of a sidewalk.

11          (b) In compliance with subsection (a), a political subdivision  
12          shall not prohibit or discourage a law enforcement officer or  
13          prosecuting attorney who is employed by or otherwise under the  
14          direction or control of the political subdivision from enforcing any  
15          order or ordinance prohibiting public camping, sleeping, or other  
16          obstruction of a sidewalk.

17          (c) The attorney general may bring a civil action in any court  
18          with jurisdiction against any political subdivision to enjoin the  
19          political subdivision from violating this section.

20          (d) The attorney general may recover reasonable expenses  
21          incurred in any civil action brought under this section, including  
22          court costs, reasonable attorney's fees, investigative costs, witness  
23          fees, and deposition costs.

24          Sec. 3. This chapter does not prohibit a policy of any political  
25          subdivision that encourages diversion programs or offering of  
26          services in lieu of a citation or arrest.

