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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2272

02/27/2023 Authored by Lee, K.; Sencer-Mura; Pérez-Vega; Clardy; Noor and others
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy

1.1 A bill for an act
1.2 relating to human services; requiring counties to provide shelter to families
1.3 experiencing homelessness; amending Minnesota Statutes 2022, section 256J.626,
1.4 subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256D.

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

1.6 Section 1. 256D.24 COUNTIES PROVIDING SHELTER TO FAMILIES
1.7 EXPERIENCING HOMELESSNESS.

1.8 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.9 the meaning given.

1.10 (b) "Commissioner" means the commissioner of human services.

1.11 (c) "Family" means a group of individuals who present together for shelter that includes
1.12 at least one child who is 18 years of age or younger, or who is 19 years of age or younger
1.13 and is a full-time secondary school student. "Family" includes a pregnant woman.

1.14 (d) "Homeless" means lacking a fixed, regular, and adequate nighttime residence. The
1.15 following are not fixed, regular, and adequate nighttime residences:

1.16 (1) a supervised publicly or privately operated shelter designed to provide temporary
1.17 living accommodations;

1.18 (2) an institution or a publicly or privately operated shelter designed to provide temporary
1.19 living accommodations;

1.20 (3) transitional housing; or

2.1 (4) a public or private place not designed for, nor ordinarily used as, a regular sleeping
2.2 accommodation for human beings.

2.3 "Homeless" also includes individuals fleeing, or attempting to flee domestic violence, dating
2.4 violence, sexual assault, stalking, or other dangerous or life-threatening conditions that have
2.5 either taken place within the individual's or family's primary nighttime residence or has
2.6 made the individual or family afraid to return to their primary nighttime residence.

2.7 (e) "Shelter" means heated indoor sleeping and sanitary facilities to which a family has
2.8 24-hour access and may include a hotel or motel room. Shelter may be located outside the
2.9 county of financial responsibility.

2.10 (f) "Shelter diversion" means assisting a family in obtaining alternatives to shelter, such
2.11 as payment of a security deposit, landlord or family mediation, or transportation to a location
2.12 in which shelter is available for a family.

2.13 Subd. 2. **Obligation to provide shelter.** A county must provide shelter to any family
2.14 experiencing homelessness that does not have access to other safe shelter. At a minimum,
2.15 shelter must be provided by the county during any period when the protections of section
2.16 216B.096, 216B.097, or 216B.0975 are in effect. Shelter must be provided by the county
2.17 within one business day of any oral or written request by a family.

2.18 Subd. 3. **Responsibility for shelter.** (a) If a family is receiving benefits under chapter
2.19 119B, 256B, or 256J, or the Supplemental Nutrition Assistance Program (SNAP), the county
2.20 issuing the benefits is responsible for providing shelter to the family.

2.21 (b) If a family is not receiving benefits under the programs listed in paragraph (a), the
2.22 county in which the family is physically present at the time of application for shelter is
2.23 responsible for providing shelter. A county must not require third-party proof of physical
2.24 presence.

2.25 (c) If a family is physically present and seeking shelter in a county from which
2.26 transportation to the county of financial responsibility is not immediately practicable, the
2.27 county in which the family is physically present must provide shelter to the family. The
2.28 county in which the family is physically present may bill the county of financial responsibility
2.29 for the cost of the shelter.

2.30 Subd. 4. **Shelter plan.** Each county must submit a plan for compliance with this section
2.31 in the county's biennial service agreement under section 256J.626, subdivision 4. The
2.32 commissioner of human services must approve or require modifications of the submitted

3.1 plan based on whether the plan appears sufficient to meet the requirements of this section,
 3.2 and must take the county's past performance into account. The plan must include:

3.3 (1) where the county will be providing shelter to families;

3.4 (2) when the county will provide shelter;

3.5 (3) how families may request shelter, including evening and weekend access;

3.6 (4) the county's anticipated demand for shelter and how the county intends to meet that
 3.7 demand;

3.8 (5) how the county will provide backup shelter when needed or for families who have
 3.9 been unsuccessful in the county's primary shelter settings; and

3.10 (6) the amount of the county's MFIP consolidated fund under section 256J.626 that must
 3.11 be allocated for the county to be in compliance with this section.

3.12 Subd. 5. **Funds.** (a) Shelter provided to families experiencing homelessness under this
 3.13 section must be provided free of charge.

3.14 (b) Counties must maintain local funding and funding under the MFIP consolidated fund
 3.15 that is allocated to shelter for families under this section unless there is a reduction in demand
 3.16 sufficient to reduce the need for such funding. Any expenditures from the MFIP consolidated
 3.17 fund used as flexible funding for shelter diversion count toward the county's allocation.

3.18 (c) The commissioner must reimburse counties using general fund dollars if the amount
 3.19 of local funding and the amount of a county's MFIP consolidated fund allocated to
 3.20 compliance with this section is not sufficient to shelter all families who qualify under this
 3.21 section.

3.22 (d) The commissioner may utilize up to \$15,000,000 in TANF funds to reimburse counties
 3.23 for hotel and motel vouchers utilized by families experiencing homelessness under this
 3.24 section while this section is in effect.

3.25 **EFFECTIVE DATE.** This section is effective October 1, 2023, and expires May 1,
 3.26 2025.

3.27 Sec. 2. Minnesota Statutes 2022, section 256J.626, subdivision 2, is amended to read:

3.28 Subd. 2. **Allowable expenditures.** (a) The commissioner must restrict expenditures
 3.29 under the consolidated fund to benefits and services allowed under title IV-A of the federal
 3.30 Social Security Act. Allowable expenditures under the consolidated fund may include, but
 3.31 are not limited to:

4.1 (1) short-term, nonrecurring shelter and utility needs that are excluded from the definition
4.2 of assistance under Code of Federal Regulations, title 45, section 260.31, for families who
4.3 meet the residency requirement in section 256J.12, subdivisions 1 and 1a. Payments under
4.4 this subdivision are not considered TANF cash assistance and are not counted towards the
4.5 60-month time limit;

4.6 (2) transportation needed to obtain or retain employment or to participate in other
4.7 approved work activities or activities under a family stabilization plan;

4.8 (3) direct and administrative costs of staff to deliver employment services for MFIP, the
4.9 diversionary work program, or family stabilization services; to administer financial assistance;
4.10 and to provide specialized services intended to assist hard-to-employ participants to transition
4.11 to work or transition from family stabilization services to MFIP;

4.12 (4) costs of education and training including functional work literacy and English as a
4.13 second language;

4.14 (5) cost of work supports including tools, clothing, boots, telephone service, and other
4.15 work-related expenses;

4.16 (6) county administrative expenses as defined in Code of Federal Regulations, title 45,
4.17 section 260(b);

4.18 (7) services to parenting and pregnant teens;

4.19 (8) supported work;

4.20 (9) wage subsidies;

4.21 (10) child care needed for MFIP, the diversionary work program, or family stabilization
4.22 services participants to participate in social services;

4.23 (11) child care to ensure that families leaving MFIP or diversionary work program will
4.24 continue to receive child care assistance from the time the family no longer qualifies for
4.25 transition year child care until an opening occurs under the basic sliding fee child care
4.26 program;

4.27 (12) services to help noncustodial parents who live in Minnesota and have minor children
4.28 receiving MFIP or DWP assistance, but do not live in the same household as the child,
4.29 obtain or retain employment; ~~and~~

4.30 (13) services to help families participating in family stabilization services achieve the
4.31 greatest possible degree of self-sufficiency; and

5.1 (14) services to provide emergency shelter or shelter diversion to families experiencing
5.2 homelessness under section 256D.24.

5.3 (b) Administrative costs that are not matched with county funds as provided in subdivision
5.4 8 may not exceed 7.5 percent of a county's or 15 percent of a tribe's allocation under this
5.5 section. The commissioner shall define administrative costs for purposes of this subdivision.

5.6 (c) The commissioner may waive the cap on administrative costs for a county or tribe
5.7 that elects to provide an approved supported employment, unpaid work, or community work
5.8 experience program for a major segment of the county's or tribe's MFIP population. The
5.9 county or tribe must apply for the waiver on forms provided by the commissioner. In no
5.10 case shall total administrative costs exceed the TANF limits.